



# California Regulatory Notice Register

REGISTER 2009, NO. 30-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JULY 24, 2009

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. CALIFORNIA TRAVEL AND  
TOURISM COMMISSION**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE OF THE  
CALIFORNIA TRAVEL & TOURISM  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the California Travel & Tourism Commission (CTTC), pursuant to the authority vested in it by section 87306 of the Government Code, proposes to adopt its Conflict-of-Interest Code. The purpose of the code is to implement the requirements of Government Code sections 87300 through 87302.

The California Travel & Tourism Commission proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment makes other technical changes to reflect the current organizational structure of the Department. Copies of the proposed amendments to the code are available and may be requested from the contact person listed below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than September 22, 2009, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person listed below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or that person's representative requests a public hearing, he or she must do so not later than September 7, 2009, by contacting the contact person listed below.

The California Travel & Tourism Commission has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the

reasons, and the information on which the amendments are based may be obtained by contacting the contact person listed below.

The California Travel & Tourism Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Travel & Tourism Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective, and less burdensome to affected persons than the proposed amendments.

All inquiries concerning the proposed amendments and any communication required by this notice should be directed to:

Matthew Sabbatini  
Director of Finance and Human Resources  
980 9<sup>th</sup> Street, Suite 480  
Sacramento, CA 95814  
916.444.4429  
[msabbatini@visitcalifornia.com](mailto:msabbatini@visitcalifornia.com)

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

**CONFLICT OF INTEREST CODES**

**AMENDMENT**

**STATE:** California Travel and Tourism Commission

A written comment period has been established commencing on **July 24, 2009**, and closing on **September 7, 2009**. Written comments should be directed to the

Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **September 7, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of inter-

est codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on February 5, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 30, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on February 27, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 30, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was ef-



fective on March 10, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 30, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 7, 2009.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendments of Section 3434(b) established additional portions of Marin, Monterey, San Benito, San Mateo, Santa Clara, Santa Cruz and Sonoma counties as regulated areas. There is no existing, comparable federal regulation or statute regulating the intrastate movement.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a

duty to enforce Section 3434. No reimbursement is required for Section 3434 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations (CCR), and cannot be sold. Therefore, there are no additional mandated costs of compliance due to this regulation.

#### ASSESSMENT

The Department has made an assessment that the proposed adoption of the regulations would not (1) create

or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

#### TITLE 5. BOARD OF EDUCATION

#### NOTICE OF PROPOSED RULEMAKING

##### AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)

[Notice published July 24, 2009]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at **10:30 a.m. on September 8, 2009**, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral

statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) to 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on September 8, 2009**.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 37252, 37254, 52052, 52504, 56365, 60850, 60851, 60852.4, 60855 and 60900, Education Code; 20 U.S.C. Sections 1232g and 6311; 7 C.F.R. Sections 245.2, 245.3 and 245.6; and 34 C.F.R. Section 99.3.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 6*, for the CAHSEE serves to

guide local educational agencies (LEAs) in administering the CAHSEE and reporting of student demographic data to the State.

*Education Code* Section 60850 authorized the CAHSEE to be developed in accordance with SBE-adopted content standards in language arts and mathematics. The CAHSEE was developed based on recommendations of the High School Exit Examination Standards Panel, whose members were appointed by the State Superintendent of Public Instruction and approved by the SBE. Currently, the CAHSEE serves as a state graduation requirement and is used in calculating the Academic Performance Index for state accountability purposes and Adequate Yearly Progress to meet federal No Child Left Behind requirements.

The CDE proposes amendments to the *California Code of Regulations, Title 5*, for the CAHSEE in response to changes in the Budget Acts of 2007 and 2008, needs that have arisen during the administration of the CAHSEE, and a need to clarify existing regulatory language. The key purposes of the proposed amendments are as follows:

- Add new definitions for “accommodation,” “modification,” “nonpublic school,” “RFEP,” and “translator.”
- Revise definitions of “scribe,” “test examiner,” and “test proctor” to clarify these terms and ensure security of test materials.
- Revise definition of “school district” to include statewide benefit charters.
- Amend the number of opportunities that grade twelve students may take the CAHSEE to align with changes in the Budget Acts of 2007 and 2008, increasing the number of opportunities grade twelve students can take the CAHSEE from three to five.
- Clarify language to improve the accuracy of data collected in the following areas: eligibility for the National School Lunch Program (NSLP), race and ethnicity, reclassification to fluent English proficient (RFEP), and district and county of residence for students with individualized education programs (IEPs).
- Delete section 1207.2 regarding the collection of data pertaining to exemptions from the CAHSEE requirement in response to the expiration of legislation that allowed exemptions.
- Clarify language regarding the reporting of data to ensure student confidentiality.
- Add translators to the list of personnel required to sign a security affidavit and receive training in

administering the CAHSEE to ensure the security of the examination.

- Refine language describing variations, accommodations, and modifications to respond to the needs of students taking the exam and to ensure consistency in the administration of the CAHSEE.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to schools and school districts and not to business practices.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Bonnie Galloway, Education Programs Consultant  
CAHSEE Office

California Department of Education

1430 N Street, Suite 5408

Sacramento, CA 95814

Telephone: 916-445-9449

E-mail: [bgalloway@cde.ca.gov](mailto:bgalloway@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Bonnie Galloway, Education



Programs Consultant, CAHSEE Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-445-9449. It is recommended that assistance be requested at least two weeks prior to the hearing.

## **TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD**

### **NOTICE OF PROPOSED RULEMAKING R-4-08**

#### **TITLE 10: CALIFORNIA CODE OF REGULATIONS CHAPTER 5.8 HEALTHY FAMILIES PROGRAM**

#### **AMEND SECTION 2699.6700**

#### **NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on September 8, 2009 at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Dianne Knox  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [dknox@mrrib.ca.gov](mailto:dknox@mrrib.ca.gov). Comments must be received by no later than 5:00 p.m. on September 8, 2009.

## **AUTHORITY AND REFERENCE**

Authority: Insurance Code Sections 12693.21 and 12693.755.

Reference: Insurance Code Sections 12693.21, 12693.60, 12693.61, 12693.62 and 12693.755.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Managed Risk Medical Insurance Board (MRMIB) administers the HFP. The basic structure of the HFP is set out in regulations at Chapter 5.8 (commencing with Section 2699.6500) of Title 10 of the California Code of Regulations.

Section 2699.6700(a) of Title 10 California Code of Regulations sets out "the basic scope of benefits offered by [HFP] participating health plans" and requires all HFP health plans to "comply with all requirements including amendments as well as its applicable regulations, of the Knox-Keene Health Care Services Plan Act of 1975" (found at Division 2, Chapter 2.2 (commencing with Section 1340) of the Health and Safety Code).

Section 1367.3(b)(2)(D) of the Health and Safety Code (part of the Knox-Keene Act) requires that certain health care service plans conduct blood lead screening, "as determined by a physician and surgeon affiliated with the plan, when the screening is prescribed by a physician and surgeon affiliated with the plan."

The California Childhood Lead Poisoning Prevention Act of 1991 (Health and Safety Code Section 105275 et seq.) and its implementing regulations, commencing with Section 37000 of Title 17 of the California Code of Regulations, and specifically Sections 37100(a)(2) and 37020 require every health care provider "who performs a periodic health assessment of a child" at certain times to also perform certain actions, including the provision of "anticipatory guidance" to the parent or guardian about lead poisoning and, if the child is enrolled in a publicly funded program for low-income children, order the child screened for lead poisoning as the child is presumed to be at risk of lead poisoning. Healthy Families is included within this category of publicly funded programs for low-income children.

**Existing Law:** Lead screening at appropriate intervals is already a covered benefit as part of "periodic health assessments." However, a recent staff analysis concluded that not all HFP plans are providing the coverage for screenings that follow the periodicity identified in Title 17, California Code of Regulations, Section 37100. This conclusion is based on the empirical data collected by MRMIB staff in discussions with the plans.

The proposed regulation clarifies that HFP contracting plans must provide blood lead screening and “anticipatory guidance” for children enrolled in HFP. This will ensure that care provided in accordance with applicable medical standards is covered.

There are no comparable provisions of federal law related to this proposal.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose a mandate on local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500 of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

#### COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

#### BUSINESS IMPACT/SMALL BUSINESS

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal only clarifies that Healthy Families Program contracting plans must provide blood lead screening and “anticipatory guidance” for children enrolled in the HFP. This will ensure that care provided in accordance with applicable medical standards is covered. It has no impact at all on an entity that is not a state agency as defined in section 11000 of the California Government Code.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or

new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The MRMIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON HOUSING COSTS: None

#### ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324-0592

or

Randi Turner  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 327-8243

#### INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may

be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

### TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Loma Linda University, School of Allied Health Professions, Occupational Therapy Department Room A901, 24951 North Circle Drive, Loma Linda, CA 92350 at 10:00 a.m., on September 10, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 8, 2009, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Profes-

sions Code, and to implement, interpret or make specific section 2570.28, the Board is proposing revising Division 39, Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law states that the protection of the public is the highest priority for the Board of Occupational Therapy in exercising its licensing, regulatory and disciplinary functions. Section 4175. *Minimum Standards for Infection Control* is hereby added to Title 16, Division 39, Article 8, Ethical Standards Of Practice. This section specifies and clarifies guidelines and standards of practice to be followed by occupational therapists and occupational therapy assistants while treating patients. Sections 2570.28(p) et seq. of the Occupational Therapy Act sets forth grounds for discipline as knowingly failing to protect patients from transmission of blood-borne infectious diseases.

Section 4175 establishes industry-accepted Standard Precautions which expands the existing blood-borne infection control guidelines to include body fluids, secretions, excretions, non-intact skin, and mucus membranes which may contain transmissible infectious agents. Standard Precautions are also intended to protect patients/clients by ensuring that occupational therapy personnel do not carry infectious agents to patients/clients on their hands or via equipment used during delivery of occupational therapy services. Standard Precautions must be used in the care of all patients/clients, regardless of suspected or confirmed infection status, in all settings in which occupational therapy is delivered.

By adding these specific Standard Precaution guidelines the Board is also identifying additional grounds for potential disciplinary action for failure to follow these industry-accepted standards of practice designed to protect patients and occupational therapists and occupational therapy assistants.

The proposed language establishes guidelines for proper hand hygiene, personal protective equipment, respiratory hygiene/cough etiquette and patient/client care equipment, instruments, devices and environmental care as well as requiring practitioners to adhere to the most current guidelines and standards published by federal, state and local and other regulatory and accrediting agencies.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500–17630 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses. Any impact would be minor, absorbable and incidental to already existing infection control guideline practices and procedures followed by small business.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

#### TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be

obtained from our website as listed below or upon written request from the contact person listed below.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jim Schenk  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
(916) 263–2294  
(916) 263–2701 (FAX)  
cbot@dca.ca.gov

The backup contact person is:

Heather Martin  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
(916) 263–2294  
(916) 263–2701 (FAX)  
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on–line at [www.bot.ca.gov](http://www.bot.ca.gov) > **Laws and Regulations > Proposed Regulations.**

#### TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

[Notice Published June 24, 2009]

#### NOTICE OF PROPOSED RULEMAKING

The Emergency Medical Services Authority (EMSA) proposes to adopt the proposed Advanced EMT regulations described below after considering all comments, objections, and recommendations regarding the proposed action.



## PUBLIC HEARING

The EMSA will hold a public hearing to permit all interested parties the opportunity to present statements, arguments, written materials, or contentions relevant to the proposed action described in the informative digest. The public hearing will be held on:

Date: September 8, 2009

Time: 1:00 p.m. to 2:30 p.m.

Location: EMS Authority, 1930 9<sup>th</sup> Street, Sacramento, CA 95811

The facility to be used for the public hearing is accessible to persons with mobility impairments. Persons with sight or hearing impairments are asked to write Laura Little at the address above or call Ms. Little at (916) 322-4336, extension 461 to make special arrangements, if necessary.

## WRITTEN COMMENT PERIOD

Interested persons are invited to submit written comments on the proposed regulatory action to the EMSA. The written comment period end closes at **5:00 p.m. on September 8, 2008**. The EMSA will consider only comments received at the EMSA office by that time. Submit comments to:

Laura Little, BLS Coordinator, Personnel Standards Unit  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
Telephone: (916) 322-4336, extension 461  
Fax: (916) 324-2875  
E-mail: [laura.little@emsa.ca.gov](mailto:laura.little@emsa.ca.gov)

## AUTHORITY AND REFERENCE

The Health and Safety Code, Section 1797.107 authorizes the EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Sections 1797.2, 1797.53, 1797.171, 1797.176, 1797.178, 1797.206, 1797.210, 1797.218, 1797.220, 1798.2, 1798.3, and 1798.105 of the Health and Safety Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law authorizes the EMSA to adopt minimum standards for the training and scope of practice for Advanced EMTs. Current law also authorizes the EMSA to

adopt minimum standards for the certification and recertification of Advanced EMTs.

The EMSA proposes to amend Chapter 3 of Division 9, of Title 22. This Chapter of Regulations was last revised in 1988 and there have been numerous advances and changes in prehospital training, certification, scope of practice, and medical control pertaining to Advanced EMTs both nationally and in California. These amendments are intended to:

1. Replace the term "EMT-II" with the term "Advanced EMT".
2. Update, and clarify numerous elements of the Advanced EMT Chapter of Regulations pertaining to Advanced training, certification, medical control, and scope of practice requirements.
3. Make the training, certification, and medical control requirements consistent with the similar requirements contained in the EMT and Paramedic Regulations.
4. Offer a feasible and appropriate limited advanced life support alternative to paramedic services for those communities that have difficulty in implementing and sustaining paramedic services.
5. Incorporate by reference the Advanced EMT Model Curriculum, EMSA #133, June 2008.
6. Incorporate by reference the Advanced EMT Skills Competency Form, EMSA-AEMT SCVF (01/07)

## DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: This would only impact those statewide public safety agencies (CHP, CDF, DPR) that may wish to implement Advanced EMT services and/or EMT-II services. Costs will vary throughout the state and would include training, equipment, supplies, continuous quality improvement measures and in some cases certification fees. The standards proposed in this regulation revision are optional and not mandatory.
- Costs to any local agency or school district which must be reimbursed in accordance with the Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: This would only impact those local agencies that may wish to implement Advanced EMT services. Costs will vary

throughout the state and would include training, equipment, supplies, continuous quality improvement measures and in some cases certification fees. The standards proposed in this Regulation revision are optional and not mandatory.

- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: This would only impact those private businesses, such as private ambulance companies, that may wish to implement Advanced EMT services. Costs will vary throughout the state and would include training, equipment, supplies, continuous quality improvement measures and in some cases certification fees. The standards proposed in this Regulation revision are optional and not mandatory.
- Adoption of these regulations will not:
  - (1) create or eliminate jobs within California;
  - (2) create new businesses or eliminate existing businesses with California; or
  - (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

#### SMALL BUSINESS DETERMINATION

The EMSA has determined that the proposed regulation may affect a small ambulance company that wishes to increase the level of service from basic life support to limited advanced life support with Advanced EMT services. Costs will vary throughout the state and would include training, equipment, supplies, continuous quality improvement measures and in some cases certification fees. The small ambulance provider will also need to seek approval from their local EMS agency to become an Advanced EMT service provider which may involve a contract and performance requirements as specified by the local EMS agency. The standards proposed in this Regulation revision are optional and not mandatory.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the EMSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the atten-

tion of the EMSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The EMSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

##### Primary Contact Person:

Laura Little  
BLS Coordinator, Personnel Standards Unit  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
e-mail: [laura.little@emsa.ca.gov](mailto:laura.little@emsa.ca.gov)  
Phone: (916) 322-4336, extension 461  
Fax: (916) 324-2875

##### Alternate Contact Person:

Sean Trask  
Manager, Personnel Standards Unit  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
e-mail: [sean.trask@emsa.ca.gov](mailto:sean.trask@emsa.ca.gov)  
Phone: (916) 322-4336, extension 408  
Fax: (916) 324-2875

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Little at the above address.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. The rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Ms. Little at the address above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and after considering all timely and relevant comments received, the Commission on Emergency Medical Services may approve for

adoption and the EMSA may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the EMSA will make the modified text, with the changes clearly indicated, available to the public for at least 15-days before adoption of the regulations as revised. Please send requests for copies of any modified regulations to the attention of Laura Little at the address indicated above. The EMSA will accept written comments on the modified regulations for 15-days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Laura Little at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, can be accessed through the EMSA's website at [www.emsa.ca.gov](http://www.emsa.ca.gov).

### TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

#### TITLE 22. SOCIAL SECURITY

#### DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES

#### CHAPTER 6: CALIFORNIA EMT CENTRAL REGISTRY

[Notice published July 24, 2009]

#### NOTICE OF PROPOSED REGULATIONS

The Emergency Medical Services Authority ("EMSA") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The EMSA will hold a public hearing starting at 1:00 p.m.–3:00 p.m. on September 8, 2009, at EMSA located

at 1930 9<sup>th</sup> Street, Sacramento, California. The meeting room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. The EMSA requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324-2875 or by e-mail to [adam.morrill@emsa.ca.gov](mailto:adam.morrill@emsa.ca.gov). The written comment period closes at **5:00 p.m. on September 8, 2009**. The EMSA will consider only comments received at the EMSA offices by that time. Submit comments to:

Adam Morrill, Health Program Specialist  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811

#### AUTHORITY AND REFERENCE

Health and Safety Code Section 1797.117, authorizes the EMSA to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 1797.117, 1797.118, 1797.217 and 1798.200 of the Health and Safety Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires the authority to establish and maintain a centralized system for monitoring and tracing EMT-I and Advanced EMT certification status to be used by certifying entities and requires specified fees to be collected and expended for related purposes.

The EMSA proposes to amend Chapter 6 of Division 9, of Title 22. These proposed regulations are the result of the passage of AB 2917 (Torrico, Chapter 274, Statutes of 2008) which established the need for maintaining consistent and accountable supervision of EMT certificate holders and that pertinent information about certification be available to all EMS providers prior to the employment of an EMT.

These regulations are intended to:

1. Establish a central registry of all EMTs in California.
2. Establish fees to establish and maintain the central registry.

3. Establish the data requirements for the central registry.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: Imposes new duties upon local officials.
- Cost or savings to any state agency: CHP and Parks & Recreation may have additional costs related with the implementation of these regulations. Currently CHP certifies approximately 1,500 EMTs and DPR certifies approximately 150 EMTs. Starting July 1, 2010, new employees who are selected by the department's to be certified as EMTs (this is optional for employees and the department) will be required to pay the new fees which will incur future costs for these departments (\$75 initially and \$37 every other year per individual). AB 2917 and these proposed regulations contain a "grandfathering" provision for current EMTs who had a state level criminal background check prior to July 1, 2010, their fee will be \$37 every two years.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: There will be no direct fiscal impact on local governments as the fees collected to administer their EMT and Advanced EMT certification and enforcement programs are assessed to the individual certificate holder. However, local governments that employ EMTs could incur additional costs if they agree to pay for the costs associated with the individual's required certifications. These agreements are subject to negotiation and could be amended to shift the fiscal responsibility to the individual certificate holder.
- Cost or savings in federal funding to the state: None.

The EMSA has made an initial determination and declares that the proposed California EMT Central Registry regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The EMSA has relied on

discussions with representatives of groups that are based in all levels of government (state, county, local) as well as groups representing businesses and institutions that may be affected.

Cost impacts on a representative private person or businesses: The initial cost to an individual will be \$75 and thereafter an annual cost of \$19. These are fees charged to the individual certificate holder to administer the functions of the EMSA relative to these regulations. Businesses that employ EMTs may be affected if they choose to pay for their employees' certification.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; and
- (3) affect the expansion of businesses currently doing business in California.

Significant effect on housing costs: None.

Small Business Determination

The EMSA has determined that the proposed regulations affect small business.

#### CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Adam Morrill, Health Program Specialist  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

The backup person for these inquiries is:

Sean Trask, EMS Personnel Manager  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Little at the above address.



AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF PROPOSED REGULATIONS,  
AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Laura Little at the address or phone number listed above.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Adam Morrill at the address indicated on the previous page. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Morrill at the address listed on the previous page.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the Notice of Proposed Action, the initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.emsa.ca.gov](http://www.emsa.ca.gov).

**TITLE 22. EMERGENCY MEDICAL  
SERVICES AUTHORITY**

**TITLE 22. SOCIAL SECURITY**

**DIVISION 9. PREHOSPITAL EMERGENCY  
MEDICAL SERVICES**

**CHAPTER 2: EMERGENCY MEDICAL  
SERVICES TECHNICIAN**

[Notice published July 24, 2009]

**NOTICE OF PROPOSED AMENDMENT  
OF REGULATIONS**

The Emergency Medical Services Authority (“EMSA”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The EMSA will hold a public hearing starting at 1:00 p.m.–3:00 p.m. on September 8, 2009, at EMSA located at 1930 9th Street, Sacramento, California. The meeting room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. The EMSA requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324–2875 or by e-mail to [laura.little@emsa.ca.gov](mailto:laura.little@emsa.ca.gov). The written comment period closes at **5:00 p.m.** on **September 8, 2009**. The EMSA will consider only comments received at the EMSA offices by that time.

Submit comments to:

Laura Little, BLS Coordinator  
EMS Authority  
1930 9th Street  
Sacramento, CA 95811

**AUTHORITY AND REFERENCE**

Health and Safety Code Section 1797.190, authorizes the EMSA to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 1797.196 and 104113 of the Health and Safety Code and Sections 1714.2 and 1714.21 of the Civil Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Current law authorizes the EMSA to adopt minimum standards for training and scope of practice for EMTs. Current law also authorizes the EMSA to adopt minimum standards for certification and recertification of EMTs.

The EMT amendments are based on the future implementation of the National Educational Standards that will change the EMS provider level of services to EMT, Advanced EMT, and Paramedic. The local EMS agency amendments and Authority amendments were changed to be consistent with acronyms used throughout the regulations pertaining to EMT, Advanced EMT, and Paramedic.

The EMSA proposes to amend Chapter 2 of Division 9, of Title 22. This Chapter of Regulations was last revised in 2006 and there have been advances and changes in prehospital training, certification, scope of practice, and medical control pertaining to EMTs both nationally and in California.

These amendments are intended to:

1. Replace the term "EMT-I" with the term "EMT".
2. Update, and clarify numerous elements of the EMT Chapter of Regulations pertaining to EMT training, certification, medical control, and scope of practice requirements.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; and
- (3) affect the expansion of businesses currently doing business in California.

Significant effect on housing costs: None.

#### SMALL BUSINESS DETERMINATION

The EMSA has determined that the proposed regulation will not have an affect on small businesses because the amendments proposed in this chapter do not substantially change the EMT-I training, certification, or recertification requirements. The major impact of these regulations is to require criminal background checks on EMT-Is and EMT-IIs which 27 of the 31 local EMS agencies currently require. The criminal background checks typically occur only one-time and are paid for by the individual EMT-I and EMT-II certification applicants.

#### CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action (Government Code section 11346.5(a)(13)).

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Laura Little, BLS Coordinator  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

The backup person for these inquiries is:

Sean Trask, EMS Personnel Manager  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Little at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Laura Little at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Laura Little at the address indicated on the previous page. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Little at the address listed on the previous page.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.emsa.ca.gov](http://www.emsa.ca.gov).

### **TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY**

#### **TITLE 22. SOCIAL SECURITY**

#### **DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES**

#### **CHAPTER 6: PROCESS FOR EMT-I AND ADVANCED EMT DISCIPLINARY ACTION**

[Notice published July 24, 2009]

### **NOTICE OF PROPOSED AMENDMENT OF REGULATIONS**

The Emergency Medical Services Authority (“EMSA”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The EMSA will hold a public hearing starting at 1:00 p.m.–3:00 p.m. on September 8, 2009, at EMSA located at 1930 9<sup>th</sup> Street, Sacramento, California. The meeting room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. The EMSA requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324–2875 or by e-mail to [adam.morrill@emsa.ca.gov](mailto:adam.morrill@emsa.ca.gov). The written comment period closes at **5:00 p.m.** on **September 8, 2009**. The EMSA will consider only comments received at the EMSA offices by that time. Submit comments to:

Adam Morrill, Health Program Specialist  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811

#### AUTHORITY AND REFERENCE

Health and Safety Code Section 1797.184, authorizes the EMSA to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 1797.184, 1797.211, 1797.217, 1797.219, and 1798.200 of the Health and Safety Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the medical director of a local EMS agency or the Emergency Medical Services Authority may deny, suspend, or revoke certificates issued under these provisions, or may place a certificate holder on probation, upon the occurrence of any of specified events.

The EMSA proposes to amend Chapter 6 of Division 9, of Title 22. This Chapter of Regulations was last revised in 2000. These proposed changes are the result of the passage of AB 2917 (Torrico, Chapter 274, Statutes of 2008) which established the need for a standardized system of discipline for EMTs in California.

These amendments are intended to:

1. Establish EMT-I and Advanced EMT certification and disciplinary guidelines.
2. Authorize an EMT-I or Advanced EMT employer to investigate and discipline those EMT-I and Advanced EMT employees who commit specified acts.
3. Require the medical director to investigate and discipline specified EMT-I's and Advanced EMTs.
4. Incorporate by reference "Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT-I (Basic), Advanced EMT" EMSA #134, dated December 2, 2009.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: imposes new duties upon local officials. The cost for these new duties is not reimbursable.
- Cost or savings to any state agency: There will be no impact to other state agencies. CHP and Parks and Recreation employ officers and rangers that are certified as EMTs. These personnel are already required to obtain criminal background checks and subsequent arrest notification reports which may result in department discipline and as a result these regulations do not impose any new costs on these agencies.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: No additional expenditures will be required by local government in the current fiscal year. Starting July 1, 2010, local governments, through their local EMS agencies, may incur additional costs for Administrative Law Judge services when an EMT or Advanced EMT is appealing disciplinary action on their certificate. These costs will be reimbursed to local EMS agency from fees that were created by AB 2917

and charged to each EMT and Advanced EMT who either certifies or recertifies.

- Cost or savings in federal funding to the state: None.

The EMSA has made an initial determination and declares that the proposed amendments to the Process for EMT-I and Advanced EMT Disciplinary Action regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The EMSA has relied on discussions with representatives of groups that are based in all levels of government (state, county, local) as well as groups representing businesses and institutions that may be affected.

Cost impacts on a representative private person or businesses: The initial cost to an individual will be \$75 and thereafter an annual cost of \$19. These are fees charged to the individual certificate holder to administer the functions of the EMSA relative to these regulations. Businesses that employ EMTs may be affected if they choose to pay for their employees' certification.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; and
- (3) affect the expansion of businesses currently doing business in California.

Significant effect on housing costs: None.

Small Business Determination

The EMSA has determined that the proposed regulations affect small business.

#### CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Adam Morrill, Health Program Specialist  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

The backup person for these inquiries is:



Sean Trask, EMS Personnel Manager  
EMS Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811  
(916) 322-4336

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Morrill at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Laura Little at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Adam Morrill at the address indicated on the previous page. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Morrill at the address listed on the previous page.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in

underline and strikeout can be accessed through our website at [www.emsa.ca.gov](http://www.emsa.ca.gov).

### GENERAL PUBLIC INTEREST

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health  
Hazard Assessment  
Notice to Interested Parties

July 24, 2009

#### ANNOUNCEMENT OF FIRST PUBLIC COMMENT PERIOD AND WORKSHOP

#### Draft Technical Support Document on Proposed Public Health Goal for Antimony in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of a draft technical support document for the proposed Public Health Goal (PHG) for antimony in drinking water. This draft document is an update of the previous PHG, developed in 1997. The draft document is posted on the OEHHA Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov). OEHHA is soliciting comments on the draft report during a 45-day comment period. The Office will also hold a public workshop on September 10, 2009 at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 12, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

Written comments must be received at the OEHHA address below by 5:00 p.m. on September 10, 2009 to be considered during this document revision period. The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHG, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for another 30-day comment period. After any subsequent revisions, the final document will be posted on our Web site along with responses to the major comments from the

public at the workshop and during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Mr. Michael Baes (mbaes@oehha.ca.gov)  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612

Attention: PHG Project

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health Hazard Assessment

#### NOTICE TO INTERESTED PARTIES

July 24, 2009

#### OPPORTUNITY FOR PUBLIC COMMENT

### PROPOSITION 65 REGULATORY UPDATE PROJECT ELECTRONIC NOTICE REGULATORY CONCEPT

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for implementation

of Proposition 65<sup>1</sup>. As part of its responsibilities OEHHA maintains the regulations implementing the Act. These regulations can be found in Title 27 of the California Code of Regulations, sections 25000-27000 inclusive.

The Act<sup>2</sup> requires a person who brings an action for violation of Proposition 65 to first give notice of the alleged violation to the alleged violator, the Attorney General, district attorney, city attorney or prosecutor in whose jurisdiction the violation occurred (city attorneys only for cities with populations over 750,000) 60 days prior to filing an enforcement action.

Currently, these so-called "60-Day Notices" are served via U.S. Mail on all public prosecutors in the state. This notification process can be expensive and time-consuming for both the person providing the notice and the district attorneys and city attorneys throughout the state who have to sort through a significant volume of mail to determine whether any specific notice affects their jurisdiction.

At the request of affected stakeholders, OEHHA has developed a draft regulatory amendment to Title 27, Cal. Code of Regulations, section 25903(c)(1), that would allow these notices to be sent to prosecutors via electronic mail, if the prosecutor has consented to such service. The draft regulatory amendment is set out below.

**Note that this proposed amendment would not affect the existing requirement in the regulations that notices be served on the alleged violator in a manner consistent with the California Code of Procedure.**

OEHHA is requesting public comment concerning this regulatory concept. If requested, within 15 days of the publication of this notice, a public pre-regulatory workshop will be held before OEHHA begins the formal regulatory process for this amendment. Interested parties are encouraged to provide written comments concerning this regulatory proposal.

In order for comments to be considered at this point in the process they must be received by 5:00 p.m. on Friday, August 28, 2009. All comments or requests for a pre-regulatory hearing should be directed to:

Fran Kammerer  
Staff Counsel  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95814  
Or via e-mail to [fkammerer@oehha.ca.gov](mailto:fkammerer@oehha.ca.gov)

<sup>1</sup> Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup> Health and Safety Code section 116365(c)

<sup>3</sup> Health and Safety Code section 116365(a) and (b)

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, et seq., hereafter referred to as Proposition 65 or the Act.

<sup>2</sup> Health and Safety Code section 25249.7(d).

If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or [mvela@oehha.ca.gov](mailto:mvela@oehha.ca.gov) by August 28, 2009.

**Possible Regulatory Amendment (Draft only, this is not a formal regulatory proposal):**

25903. Notice of Violation

(c) Service of Notice.

(1) Notices shall be served by first class mail or in any manner that would be sufficient for service of a summons and complaint under the California Code of Civil Procedure. In lieu of service as prescribed in the California Code of Civil Procedure, a notice may be served on a district attorney or city attorney by electronic mail if (a) the District Attorney or City Attorney has specifically authorized such service and the authorization appears on the Attorney General's website; (2) the documents are sent to the electronic mail address specified, and in the format (e.g. Word, Adobe Acrobat) specified. Service by this method is not effective until the documents are actually received. Where a document is served electronically, time shall be computed as it would for service by mail within the State of California.

(2) A certificate of service shall be attached to each notice listing the time, place, and manner of service and each of the parties upon which the notice was served.

(3) Notices shall be served upon each alleged violator, the Attorney General, the district attorney of every county in which a violation is alleged to have occurred, and upon the city attorneys of any cities with populations according to the most recent decennial census of over 750,000 and in which the violation is alleged to have occurred.

(4) Where the alleged violator has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel of the corporation, the notice shall be addressed to one of those persons.

**DECISION NOT TO PROCEED**

**DEPARTMENT OF FOOD AND AGRICULTURE**

**NOTICE OF DECISION NOT TO PROCEED  
(Pursuant to Government Code Section 11347)**

On November 21, 2008 the Department of Food and Agriculture published a Notice of Proposed Rulemaking concerning the amendments of Sections 3024, 3024.1, 3024.2, 3024.3, 3024.4, 3024.5, 3024.6, 3024.7, and 3024.8, of the regulations in Title 3 of the California Code of Regulations pertaining to Registration and Certification of Grapevines.

Pursuant to Government Code Section 11347, the Department hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on November 21, 2008 (Register 2008, No. 47-Z, page 2025, Notice File No. Z2008-1105-01).

Any interested person with questions concerning this rulemaking should contact Susan McCarthy at either (916) 654-1017 or by email at: [smccarthy@cdfa.ca.gov](mailto:smccarthy@cdfa.ca.gov).

The department will also publish this Notice of a Decision Not to Proceed on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

**STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**Title 5. EDUCATION**

**State Superintendent of Public Instruction**

**NOTICE OF DECISION NOT TO PROCEED**

Child Care and Development Services  
For Children Receiving  
Child Protective Services And At Risk Children

Pursuant to Government Code section 11347, the State Superintendent of Public Instruction (SSPI) has decided not to proceed with title 5, division 1, chapter 19 subchapter 2, sections 18066-18110 (Notice File No. Z2008-1118-02, published November 28, 2008, in the California Regulatory Notice Register 2008, No. 48-Z, page 2059), and withdraws this proposed action from further consideration.

The SSPI will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The SSPI will also publish this Notice of Decision Not to Proceed on the California Department of Education's Web site at <http://www.cde.ca.gov/re/lr/rr>.

# RULEMAKING PETITION DECISION

## BOARD OF PAROLE HEARINGS

Date June 24, 2009

To Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814-4339

ATTN: Melvin Fong

Subject: **BOARD OF PAROLE HEARINGS  
RESPONSE TO PETITION TO AMEND  
REGULATIONS**

## NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

**California Code of Regulations (CCR)  
Title 15, Crime Prevention and Corrections  
Division 2, Board of Parole Hearings  
(Formerly Board of Prison Terms)**

## NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

### Petitioner:

George D. Rounds (C-61366), Warren Bailey (B-68278), Michael Hughley (D-90689), Craig L. Bowers (D-56199) each petition to amend title 15 CCR §§ 2402 (b) and 2402(d) submitted under Penal Code 5076.2 to the Board of Parole Hearings (Board). This response will be published in the California Regulatory Notice Register on July 24, 2009.

### Authority:

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

### Contact Person:

Please direct any inquiries regarding this action to Jerome A. Hessick, Staff Counsel, Board of Parole Hearings, by mail at P.O. Box 4036, Sacramento, CA 95812-4036.

### Availability of Petition:

The petition for amendment of the regulations is available upon request directed to the Board's contact person.

### Summary of Petition:

**Summary of petition requesting that Title 15, California Code of Regulations, § 2402(b) and § 2402(c), both entitled *Determination of Suitability*, should be amended, submitted by George Rounds.**

**A. Petitioner requests that the Board amend title 15 CCR § 2402(b), *Determination of Suitability—Information Considered to include the following language:***

“Psychological evaluations should be requested from BPH to the Secretary of the California Department of Corrections and [sic] Rehabilitation, only when a diagnostic study so indicates, and to recommend specific treatment when appropriate.”

**Petitioner also claims that the Board's “power/authority” to request psychological evaluations prior to his parole consideration hearing has been repealed. The Petitioner claims Penal Code § 5068 only authorizes the Secretary of the Department of Corrections and Rehabilitation to request psychological evaluations.**

Penal Code section 3041 authorizes the Board to establish criteria for the setting of parole release dates. Psychological reports are a valid method to review the mental component of those established criteria.

**B. Petitioner requests that the Board amend title 15 CCR § 2402(d) *Circumstances Tending to Show Suitability*, to include: “(10) *Psychological Factors: The prisoner does not have any history of severe mental problems related to the offense.*”**

Petitioner claims that psychological evaluations are not a suitability factor within the Board's regulations.

The Department contends the *Circumstances Tending to Show Suitability* are only intended as “general guidelines.” (15 CCR § 2042(d)). The Board is required to consider “past and present mental state” when it considers parole (15 CCR § 2042(b)).

The petition is therefore DENIED.

/s/

MARTIN N. HOSHINO  
Executive Director  
Board of Parole Hearings



cc: Petitioners  
 Brett Morgan, Chief of Staff  
 Scott Kernan, Undersecretary, Operations  
 Benjamin T. Rice, General Counsel, Office of  
 Legal Affairs  
 Ann Awiszus, Assistant General Counsel, Parole  
 Hearings Team  
 Jerome Hessick, Staff Counsel, Parole Hearings  
 Team  
 File

**BOARD OF PAROLE HEARINGS**

P.O. Box 4036  
 Sacramento, CA 93403-8103

July 9, 2009

Craig Bowens D-56199  
 24-130-UP  
 California State Prison — Solano  
 P. O. Box 4000  
 Vacaville, CA 95696-4000

RE: Notice of Decision on Petition to Amend  
 Regulations.

Dear: Mr. Bowens

Please find enclosed the Notice of Decision on Peti-  
 tion to Amend Regulations regarding Title 15 Califor-  
 nia Code of Regulations § 2402(b), § 2402 (c), and  
 § 2402 (d). Pursuant to Government Code Section  
 11340.7, this Notice will be published in the California  
 Regulatory Notice Register.

Sincerely,

/s/  
 Alice L. Crimmins  
 Legal Analyst/Petitions Coordinator  
 Office of Legal Affairs/ Parole Team

**PROOF OF SERVICE  
 DECISION ON PETITION TO AMEND  
 REGULATIONS**

**Title 15, Crime, Prevention and Corrections  
 Division 2, Board of Parole Hearings  
 (Formerly Board of Prisoner Terms)**

I, Alice L. Crimmins, Legal Analyst for the Board of  
 Parole Hearings, declare under penalty of perjury that:

I am over 18 years of age, and I am not a party to the  
 within action. My business address is Board of Parole  
 Hearings, 1515 K Street, Suite 600, Sacramento, CA  
**95811-7243**, I am employed in Sacramento, California.

On July 9, 2009, I caused to be served a true copy of  
 the following document(s):

**NOTICE OF DECISION ON PETITION TO  
 AMEND REGULATIONS**

- \_\_\_\_\_ By personal delivery of a true copy to the per-  
son(s) at the address(es) set forth below.
- \_\_\_\_\_ By United States Postal Service Express Mail  
to the person(s) at the address(es) set forth be-  
low.
- XXX By placing a true copy, in a sealed envelope, in  
the United States Post Office mail at Sacra-  
mento, California, addressed to the person(s)  
at the address(es) set forth below. I am familiar  
with this agency's practice whereby the mail,  
after being placed in a designated area, is giv-  
en the appropriate postage and is deposited in  
a U.S. mail box after the close of the business  
day.
- \_\_\_\_\_ By transmitting a true copy via facsimile to the  
person(s) at the facsimile number(s) set forth  
below.

**SERVICE LIST**

Craig Bowens D-56199  
 24-130-UP  
 California State Prison — Solano  
 P. O. Box 4000  
 Vacaville, CA 95696-4000

I declare under penalty of perjury that the foregoing is  
 true and correct and that this declaration was executed  
 on July 9, 2009.

/s/  
 Alice L. Crimmins  
 Legal Analyst  
 Board of Parole Hearings

**OAL REGULATORY  
 DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
 UNDERGROUND REGULATIONS  
 (Summary Disposition)**

**(Pursuant to Government Code Section 11340.5  
 and Title 1, section 270, of the  
 California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION**

Date: July 13, 2009

To: Ernest Marks  
 From: Chapter Two Compliance Unit  
 Subject: **2009 OAL DETERMINATION NO. 14(S)**  
**(CTU2009-0514-01)**  
 (Summary Disposition issued pursuant to  
 Gov. Code, sec. 11340.5;  
 Cal. Code Regs., tit. 1, sec. 270(f))

Petition Challenging Department Operations  
 Manual (DOM) Supplements #108 and #040,  
 Dealing with Privilege Group C, as Under-  
 ground Regulations

On May 14, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Supplements #108 and #040 to the Department Operations Manual (DOM) of the California Department of Corrections and Rehabilitation (CDCR), issued by California Correctional Training Facility, Soledad, constitute underground regulations. DOM Supplement #108, signed for B. Curry, Warden, on 9/17/08, is titled Privilege Group C Housing; it deals with the reasons for placement in Group C housing and the consequences of that placement. DOM Supplement #040, signed by B. Curry, Warden, on 1/13/09, is titled Central Unlocks, Releases and Lockups; it deals with the procedures for unlocks, releases and lockups for all housing wings. You specifically challenge provisions that permit placement in Group C for certain rules violations and the duration of that placement. These DOM Supplements were issued by the warden at the California Correctional Training Facility, Soledad, and are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evalu-

ate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation:

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rules challenged by your petition apply solely to the inmates of California Correctional Training Facility, Soledad. DOM Supplements #108 and #040 were issued by B. Curry, the Warden of California Correctional Training Facility, Soledad. Inmates housed at other institutions are controlled by those other institutions’ rules dealing with placement in housing wings and the consequences of that placement. The rules you challenge were issued by the California Correctional Training Facility, Soledad, and apply only to inmates at the California Correctional Training Facility, Soledad. Therefore, the rules are “local rules” and are exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1).<sup>3</sup>

<sup>3</sup> The rules challenged by your petition are the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(Footnote 3 continued on next page)

<sup>1</sup> “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/  
Susan Lapsley  
Director

/s/  
George Shaw  
Staff Counsel

Copy: Ernest Marks  
John McClure

*(Footnote 3 continued)*

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

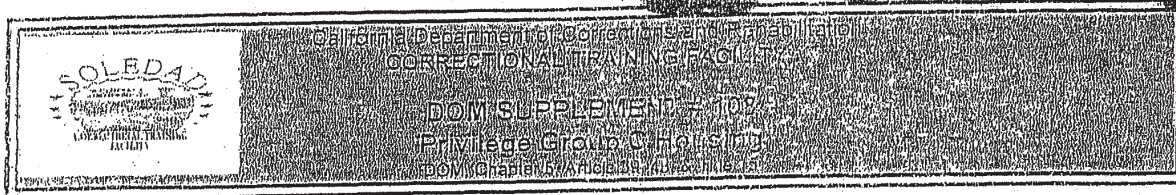
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.**  
(Emphasis added.)

## EXHIBIT

### A



#### METHODS

Inmates may be placed into Privilege Group C via two different means; as a result of Classification Committee action or as a disciplinary method imposed by a hearing official in a hearing of serious Rules Violation Report (RVR). Inmates placed in Privilege Group C via Classification Committee action must be deemed a program failure. Per Title 15, §3000, program failure means any inmate who generates a significant disciplinary history within the last 180 days from the current date. A guilty finding for two serious RVR's or one serious or two administrative RVR's within that 180 day period is reasonable evidence of a significant disciplinary history and may be considered a program failure. The Senior Hearing Officer (SHO) may assign an inmate to Privilege Group C for up to 90 days as a result of a guilty finding in a serious CDCR 115 hearing.

CCR, Title 15, §3044 authorizes the following privileges for inmates assigned to Privilege Group C:

- No family visits.
- One-fourth the maximum monthly canteen draws as authorized by the Secretary.
- Telephone calls on an emergency basis only as determined by institution/facility staff.
- Yard access limited by local institution/facility needs. No access to any other recreational or entertainment activities.
- No personal property packages.
- No special canteen purchases.

In order to ensure accountability and compliance with the provisions of the Title 15, Privilege Group C inmates will, to the extent possible be housed in the same housing unit. Level II & III General Population (GP), Privilege Group C inmates will be housed in North Facility Shasta Hall. Other housing units may be designated to house Privilege Group C inmates if demand exceeds available bed space. Movement of all inmates assigned to the designated housing units (Privilege Group C) will be consistent and restricted as such to ensure Privilege Group C inmates are only provided with authorized privileges.

The methods to be used to ensure compliance with CCR, Title 15, §3044 are outlined below:

#### PLACEMENT

An inmate placed in to Privilege Group C via classification action will immediately be re-housed into the Privilege group C housing unit. If placement is

due to classification committee action, the Unit Classification Committee recorder will provide a copy of the classification call sheet to the respective program lieutenant for each facility on the day of the action. The respective program sergeant for each facility will prepare a CDCR 154, moving the inmate to the Privilege Group C housing unit (Shasta Hall for Level II & III). If the inmate has enemy concerns or refuses to move to Shasta Hall, the inmate will be placed in Administrative Segregation (Ad-Seg) pending transfer.

On placement into Privilege Group C via disciplinary action, the hearing official will complete a Privilege Group C Placement Notification form (see attachment 1) and serve a copy to the inmate. The program lieutenant will ensure the inmate is added to the Facility Privilege Group C Report and distribute the list to all appropriate staff weekly. For custodial reasons if an inmate is retained in his current housing unit, all Privilege Group C restrictions shall be applied with the exception of the requirement to dispose of their entertainment appliance(s) or musical instruments per CCR, Title 15, §3191 (c).

#### REFUSAL/ENEMY CONCERNS

Privilege Group C inmates, who refuse to move into the designated area, will be housed in Ad-Seg and issued a CDCR 115 RVR. Those inmates who claim to have enemy concerns will be placed into Ad-Seg. If the enemy concerns are deemed legitimate they will be retained in ASU pending transfer. Inmates without legitimate enemy concerns will be released from Ad-Seg and ordered to return to the designated Privilege Group C housing units. Should they refuse, disciplinary action will be initiated.

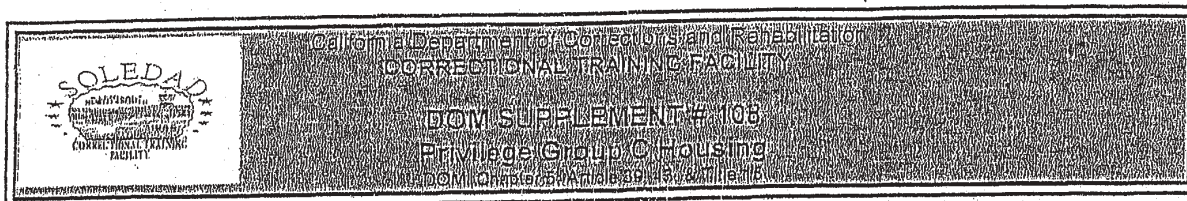
#### MOVEMENT

Movement of Privilege Group C inmates will be restricted and closely monitored. Inmates will be given showers between the hours of 1500-1600 hours, Monday-Wednesday and Friday. At no time will an inmate be allowed to loiter within the housing units. No yard or dayroom activity is authorized during the weekend and holiday.

#### PROPERTY RESTRICTIONS

When an inmate is placed into Privilege Group C, the housing unit officer will collect and inventory all personal property items that are not authorized. The officer will ensure the inmate's remaining property is in compliance with the six cubic feet limit (excluding legal, education material, and health care appliances).





All property exceeding six cubic feet will be disposed of in accordance with CCR, Title 15, §3191 (c).

The housing unit officer will ensure that the inmate's property is in compliance with the limitations listed below:

- No electrical appliances (television, radio, CD, cassette player, fan, etc.)
- No audio cassettes or compact discs.
- No musical instruments.
- No hobby materials.
- No watch.
- No board games, cards, or dominos.
- Approved food items.
- Approved stationery items.
- Approved personal care/hygiene items.
- Five of any combination of books, magazines, and newspapers.
- One Bible or equivalent religious book.
- Inmates assigned to Academic or Bridging Programs may possess course materials.
- One religious medallion or medicine bag (Native American)
- This is not an all-inclusive list. Refer to DOM Section 54030.18.1-54030.18.7.2, Inmate Property, for a complete list of authorized items.

Inmates placed on work Group C due to a classification committee action:

Inmates placed on Work Group C pursuant to a classification committee action, will be required to dispose of the entertainment appliance(s) and/or musical check instruments in accordance with CCR, Title 15, §3191(c).

Inmates placed on Privilege Group C due to a disciplinary action:

Inmates placed on Privilege Group C pursuant to a disciplinary action, will be required to surrender their entertainment appliance(s) and/or musical instruments to the unit staff for safe keeping in accordance with CCR, Title 15, §3191(c) for the duration of C status.

#### RECREATION

Work Group/Privilege Group C or C/C inmates will be given yard from 1500 hours to 1600 hours, Monday-Wednesday.

#### CANTEEN

Privilege Group C, C/C or A/C inmates will be allowed to purchase Canteen during yard call from 1500 to 1600 hours, Monday-Wednesday. Privilege Group C inmates are authorized to draw up to one-fourth of the maximum monthly canteen draw.

#### LAW LIBRARY

Inmates in Privilege Group C who are not in an assignment will be allowed access to the library during the scheduled yard access time between the hours of 1500-1600 hours on Thursday or Friday, dependant on the library schedule for Facility VI. Inmates who are in Privilege Group C who are in a work or school assignment between the hours of 0600-1630 will be authorized the use of "E" time to attend Law Library once per week (maximum of two hours access per week). The access is to be coordinated in such a way to minimize time away from work/education Tuesday through Friday. The work supervisor will issue an inmate pass for access to the Law Library and retrieve the pass from the inmate upon return. The inmate will return the pass to the work supervisor (teacher, instructor, etc.) with a signature from the library staff member to include time in, time out, and date. The pass will be kept with time keeping records. Inmates who meet the criteria for Preferred Legal Use (PLU) will be provided priority access during the times listed above.

#### RELIGION

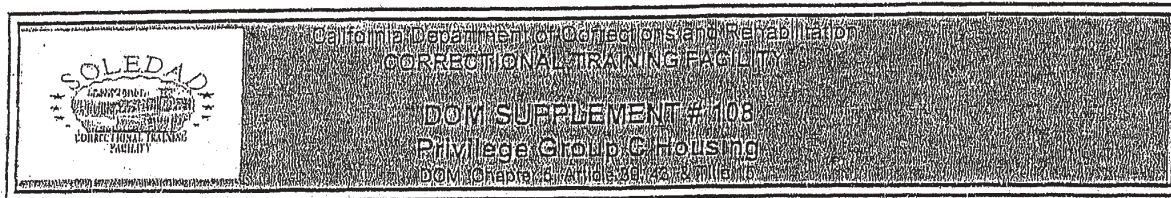
Religious programming will be limited to one regularly scheduled service per week, with emphasis on access to the primary obligation service usually occurring on Friday, Saturday, and Sunday. Housing officers will track the inmate's weekly religious attendance. No special religious programming or groups will be permitted without authorization of the Warden.

#### INMATE WORK INCENTIVE PROGRAM

Privilege Group C inmates assigned to work or school (A1/C) will be released from their housing unit to work or school call, as appropriate. Housing officers will maintain a roster, listing Privilege group C inmate's job assignments and work hours. Housing officers will closely track workers to ensure they return to their assigned housing unit upon completion of their work hours.

#### PRIORITY DUCATS

Privilege Group C inmates with priority ducats will be closely tracked to ensure their prompt return to and from their assigned housing unit. The ducat issuer will note the time the inmate leaves their area on the ducat. The inmate is responsible for relinquishing



their ducat to the housing officer upon arrival to their housing unit.

#### MEALS

Privilege Group C inmates will eat in their respective dining hall. It is the responsibility of all officers assigned to the dining halls to ensure every Privilege Group C inmate returns to their housing unit after meals.

#### CLOSE CUSTODY

The above procedures will also apply to Close Custody inmates. Assigned housing officers will closely monitor the movement of Close Custody inmates assigned to Privilege Group C. In an effort to facilitate the institutional mandatory Close B counts, whenever possible, these inmates will be assigned to a cell with another compatible Close Custody Privilege Group C inmate.

#### HOSPITAL

All of the above procedures will also apply to Privilege Group C inmates housed in the CTF-C Infirmary

#### HAIRCUTS

Assigned inmate barbers will offer haircuts to inmates in the Privilege Group C on the patio on a monthly basis. Haircuts will be provided on the patio between the hours of 1500 to 1600 hours, Monday-Wednesday.

#### ACCOUNTABILITY

If the inmate does not return when expected, the housing officers will call the area to account for the inmate. Local facility staff will notify the facility sergeant and attempt to locate the inmate. If the inmate cannot be promptly located within 30 minutes, the inmate's absence shall be reported to North Control and the Watch Commander shall be notified. Additionally, housing officers will conduct an informal count of assigned inmates upon their return from meals and yard.

An inmate without an Identification Card (ID) will not be allowed departure of the housing unit unless under escort. Inmates will be fed in their housing unit until a new ID card has been issued.

#### REMOVAL FROM PRIVILEGE GROUP C

An inmate placed into Work Group/Privilege Group C by a Classification Committee action may apply in writing to their CCI to be removed from that privilege group, no earlier than 30 days from the date of placement. Subsequent to the mandatory 30 day placement on Work Group/Privilege Group C, if the

inmate submits a written request for removal, a hearing shall be scheduled within 30 days of receipt of the written request for consideration. Classification Committees will consider the extent to which the inmate has complied with Department Regulations in determining whether to remove an inmate from Privilege Group C.

If an inmate has been placed in Privilege Group C for disciplinary action, he will remain in Privilege Group C for the entire term as specified by the hearing official.

#### TRACKING PRIVILEGE GROUP C INMATES


At the conclusion of a disciplinary hearing, the SHO/HO will generate a Privilege Group C Placement Notification (PGCP) form (attachment 1) advising staff that the inmate was placed on Privilege Group C. The submitted Notification Form will include the following information:

- Inmate's Name
- CDCR Number
- Date of RVR Hearing
- Effective Date of Privilege Group C
- Completion Date of Privilege Group C
- The CCR Infraction

The distribution of this document will occur on the same day of the RVR hearing. The following persons/staff should receive a copy:

- Inmate
- CCI
- CCII
- Canteen staff
- Program Lieutenant
- Program Sergeant
- Building 11 and 21 Officers
- Facility Captains
- Visiting
- Inmate's Trust Office
- SCEP (Principal)
- SAP CCIII
- PIA Administrator

It is extremely important that all staff receive a copy of the inmate's PGCP form to ensure that these inmates are tracked and supervised. The SHO must ensure that the inmates receive their copy of the PGCP form at the conclusion of the RVR hearing. The inmate has a responsibility to cooperate with this process and advise staff upon completion of their Privilege Group C placement.

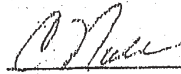
	California Department of Corrections and Rehabilitation CORRECTIONAL TRAINING FACILITY
	DOM SUPPLEMENT # 103 Privilege Group C Housing
	DOM Chapters 1 and 109, 111, 112, 113, 114, 115

**PLAN NUMBER AND TITLE**  
 Institution Operations Plan (IOP) Number CSPS-L2-08-114, Privilege Group C Housing and Program

sergeants will be responsible for the daily adherence to the policies and procedures defined in this IOP. All employees are responsible to ensure compliance.

**PURPOSE**

To provide guidelines for housing and programs for inmates assigned to Privilege Group C. In an effort to change the culture and mindset of the inmate population at CTF North and to reduce the level of violence while establishing a structured and consistent program

  
 B. CURRY  
 Warden

9/17/08  
 Date

**OBJECTIVES**

Ensure that inmates assigned to Privilege Group C receive privileges commensurate with their assignment. In addition to this C/C program on the Shasta Hall B section all inmates that are released from the Administrative Segregation Unit will also be housed in Shasta Hall and the unassigned A2B privilege group inmates on the A section. All inmates assigned to the education or the work program will be housed in Whitney Hall along with the Substance Abuse Program.

Encourage participation in the Inmate Work Training Incentive Program.

Increase accountability of inmates assigned to Privilege Group C.

Ensure that inmates actively participate in assigned rehabilitation programs.

**REFERENCES**

California Code of Regulations (CCR), Title 15, Sections (§) 3000, 3006, 3044 ©, (d), (e), 3151, 3152, 3161, 3190, 3193, 3287, DOM Supplement 54030-Inmate Property, IOP #109-Administrative Segregation; California Penal Code Sections 4573 and 4574; Department Operations Manual (DOM) §53130.6, 53130.6.1, 53130.6.2, 53130.7, 53130.7.1, and 54030.18.1-54030.18.7.2.

**APPROVAL AND REVIEW**

This OP requires annual review by the Associate Warden-North Facility. The Chief Deputy Warden shall review the plan and forward to the Warden for final approval. This plan will be updated annually in the month of August.

**RESPONSIBILITY**

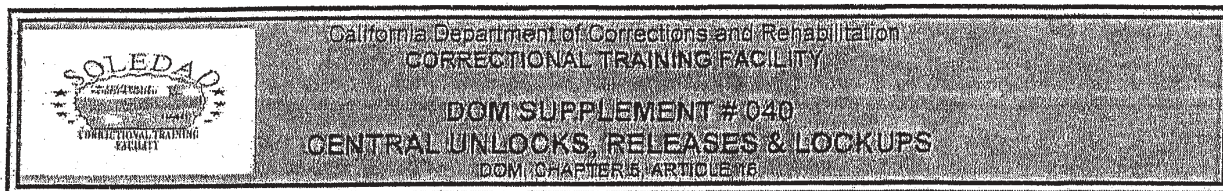
The Warden designates overall responsibility to the Associate Warden-North Facility. The Facility Captains, Program Lieutenants, and Program

PRIVILEGE GROUP C HOUSING

EXISTENCE  
 4

July 2009





The Correctional Captain is responsible for ensuring compliance with this procedure. The Program Lieutenants are responsible for ensuring that all personnel comply with the schedules set forth in this procedure in their specific area of responsibility.

First Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings

When the First Watch Wing Officers assume their post, all inmates residing in the wing must be secured in their respective cells. The securing of a wing is accomplished by the Third Watch Wing Officers prior to the 2130 count and is done in the following manner:

All inmates will be secured in their assigned cells. All cell doors will be secured by keying the cell door Folger-Adams locking device in the locked position.

The bar-locking device will be placed in the deadlock position.

Upon reporting to their assigned wing, the officers will make a visual inspection of the wing. This inspection is to make sure that all cells are secured and locked by the Folger-Adams locking device. Further inspection will assure the locking device is in the deadlock position. A visual check will be made of the wing to ensure that all common areas are secured. Additionally, the security check is to ascertain that no inmates are injured, (i.e., suicide, cell-fights, etc...).

Emergency Unlocks

An emergency unlock is considered to be an unscheduled inmate movement from a cell between the hours of 2200 & 0600 hours, with the exception of the porters & clerks who are regularly assigned night workers. Early worker releases are not considered an emergency unlock.

Emergency unlocks require the notifying / approval of the Watch Commander. At least two (2) officers and one (1) supervisor should be present on tier if time permits, (i.e. fire, etc.).

Emergency unlocks shall be accomplished by placing the locking bar in the "KEY" position and then unlocking the cell door of the inmate involved. The S&E Officer with the bar key controls the bar-locking device on the tier and maintains control of the bar locking device key during all unlocks on First Watch. A visual inspection from the cell's door window will precede the opening of the cell door.

Examples of Emergency Unlocks are as follows:

- In case of suicide or attempted suicide.
- If an inmate is ill and medical personnel require and/or request that he be moved to the Infirmary.
- If an inmate has placed an obstruction over his cell door window bars and refuses to remove the obstruction.
- If the inmate cannot be counted in his cell, i.e., he cannot be awakened and is not showing skin.
- If the inmate assaults another inmate in the cell.

All emergency unlocks will be accomplished in accordance with the following procedures

When notified of a need for an emergency unlock, and approval has been granted, the Watch Sergeant will proceed to the wing with the additional staff as outlined in this order and with an S&E Officer who will be in control of the bar key.

Staff with Wing Corridor Entrance Door Key Set must surrender this set to the Staff remaining in the corridor.

On the tier the bar-locking device will be placed in the "KEY" position.

The Wing Officers, supervisor and additional officers will proceed to the cell door. After making a visual inspection of the cell through the cell door window, the cell door will be keyed open, the inmate removed, if necessary, and the cell door locked.

The locking device is to be secured back in the deadlock position, and the bar-locking device key will be returned to Central Control.

Culinary Early Workers Unlocks

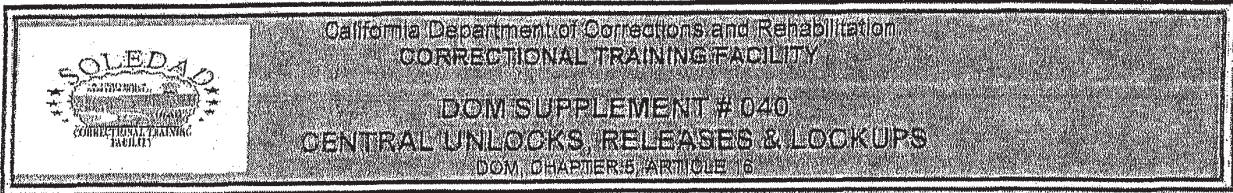
The Second Watch Culinary Sergeant will submit to Control and the Watch Office every day, a list of inmate(s) who are to be awakened early on the following morning.

This will be accomplished prior to 1330 hours daily in the following manner:

This list will contain the names, numbers, housing and time each inmate is to report to his assignment.

The Third Watch Culinary Sergeant will ensure that copies of the early wake-up list are correct and routed to the concerned areas.





The Wing Officer will awaken all inmates housed in the wing whose name appear on the list one half (1/2) hour maximum prior to the scheduled releasing of the inmates or at the discretion of the Wing Officer.

The overhead tier lights are to be turned on after awakening inmates and prior to releasing inmates in order to maintain visual contact of the inmates and to enhance the safety of the release.

Culinary unlocks will be conducted in the following manner

Two (2) S&E Officers will proceed to the wing. The bar-locking device will be placed on the "KEY" position by the S&E Officer. During releases, the S&E Officer will retain the bar key. The Wing Officer, will proceed to the tiers and conduct the unlock while the Second S&E remains in the wing sallyport providing additional visual coverage of the Wing Officer and inmates being released. The sallyport gate will be locked during releases. As each inmate is released from his cell, he will proceed to the first tier. At the completion of releases for the individual wing, the S&E will unlock the gate, and the inmates will proceed to their work assignments.

Upon completion of the unlock, the S&E Officer will ensure that the bar locking devices are returned to the deadlock position. The S&E Officer will return the bar keys to Control at the completion of the releases. At no time will the sallyport gate key be taken past the sallyport gate.

At NO TIME will the bar-locking device be placed in the "OPEN" position to facilitate a Culinary Unlock.

All unlocks will be handled as quietly as possible so as to minimize disturbing other inmates. Kicking on cell doors, banging on the locking devices and other loud noises will not be tolerated. The Unit Sergeants will be responsible for supervision of the culinary unlocks.

Second Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings:

The initial unlock of general population inmates prior to breakfast meal release will be conducted in the following manner:

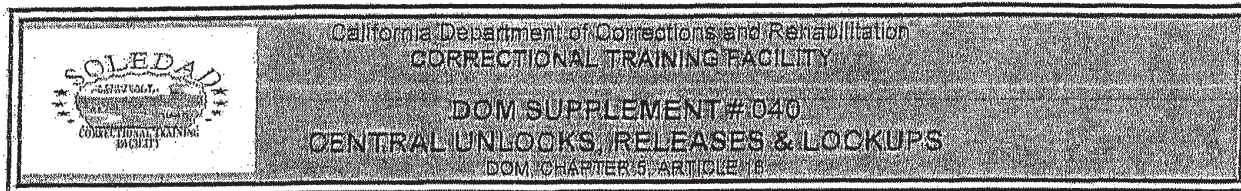
A minimum of two (2) Officers will be present on the tier at all times in a wing when all unlocks or lockups are conducted on a routine basis and during major releases, i.e., meals, work/school.

Immediately upon assuming their post, the 0600 hours Officers assigned to the general population housing wings will conduct a security inspection. This inspection will be conducted with the bar-locking device in the deadlock position. During this inspection the Wing Officers will unlock the Folger-Adams locking devices on the cell doors of all identified a.m. diabetics and early workers at this time period. The remaining cell doors in that wing will have their Folger-Adams locking devices in the locked position. When the a.m. diabetics and early workers are called for, they will be released by moving the bar from the deadlock position to the "KEY" position and then back to the deadlock position once the inmates have exited the cell. The wing security officer will ensure that only diabetics and early workers (not their cellmates) are released to the morning meal early by utilizing the early workers and diabetics list.

Prior to the breakfast release, the Wing Officers will unlock the remaining Folger-Adams locking devices, with the exception of CTQ/RTQ inmates. Those inmates housed with a CTQ/RTQ inmate will be released individually after their tier has been released. The Wing Tier Officer will then place the bar-locking devices in the "KEY" position to begin that tier's release, starting with the Third Tier down to the First Tier. The Officer assigned to the front door will place the 1<sup>st</sup> tier bar-locking devices into the "KEY" position for the first tier release.

The first phase will be released to the culinary for the morning meal and will return directly to the housing units. The first phase will be required to return to their cells after returning to the housing units. The second phase will then be released to the culinary. When the second phase is released from the culinary, the inmates will be permitted to go directly to work or school providing it is the designated time of their assignment. Upon completion of the second phase culinary release a work and school release will be conducted in the housing units.

Upon completion of each half (B,C,D,E,Y,Z) or tier (F,G) being released, both Tier Officers will be on the tiers to release inmates housed with RTQ/CTQ inmates. Both Officers will conduct security checks to ensure that all inmates have been released safely. The inmates will proceed directly to the dining hall, Work, School or other approved activity. Under no circumstances will inmates be allowed to loiter on the tiers. The bar will then be moved back to the deadlock position before the release of the tier.



When the wings in the second phase are released from the dining hall, inmates may proceed directly to Work or School providing it is the designated time of their assignment. All inmates not going to work and school will return to their housing units after the morning meal. After all inmates have returned the Tier Officers will announce wing lock-up. All inmates will go stand by their doors on all three tiers. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1<sup>st</sup> Tier up to the 3<sup>rd</sup> Tier (1 east side and 1 west side) locking the inmates in their respective cells. The Tier Officers will lock all Folders-Adams locking devices and complete all hourly unlocks without using the bars. The bars will be utilized for the 1230 work, school call, and yard release. Upon completion of the 1230 hour work and school release the Tier Officers will lock all Folders-Adams locking devices and complete all hourly unlocks without using the bar.

Bar-Locking devices will not be utilized when conducting hourly unlocks. The bar-locking devices will only be utilized for mass unlocks / releases (0600 a.m. diabetics and early workers release, morning meal release and lock-up, 0800 work and school, 0900 yard release and the 1230 work, school and yard release) and emergency releases.

During Yard Release, Staff will conduct random searches of inmates as they exit to the West Gate. The Central Yard Sergeant will supervise the searches to ensure compliance and provide additional coverage.

The Yard Fence Gate and the West Corridor Grill Gate shall remain locked between unlocks. The outer security door located at the West Gate will be left unlocked whenever inmates or Officers are on the yard in the event that an emergency arises on the yard. The West Corridor Officer will be responsible for the operation of the West Corridor Gate.

Special unlocks or releases from the yard will be made to accommodate visits, priority ducats, or other needs following approved notification of legitimate activity.

Yard releases are subject to change at the discretion of the Watch Commander to accommodate other movement or during inclement weather.

#### Unlocks to the Education Department

All inmates entering the Education Department will surrender their I.D. cards to the Officer at the door. Inmates without I.D. Cards will not be permitted entry. Inmates who have lost, or have not been issued their I.D. Cards, will not be permitted entry until they have received an I.D. Card.

The Education Officer will sort the I.D. Cards by individual classes and will retain them until school is released. The Education Officer will return I.D. Cards to student inmates at that time.

The Education Officer will retain education clerks I.D. Cards until the inmates are released from their assignments.

Non-student or unassigned inmates with legitimate business in the area may enter the Education Department with a pass/ducat after surrendering their I.D. Cards with the Education Officer at the Entrance Door.

#### Third Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings:

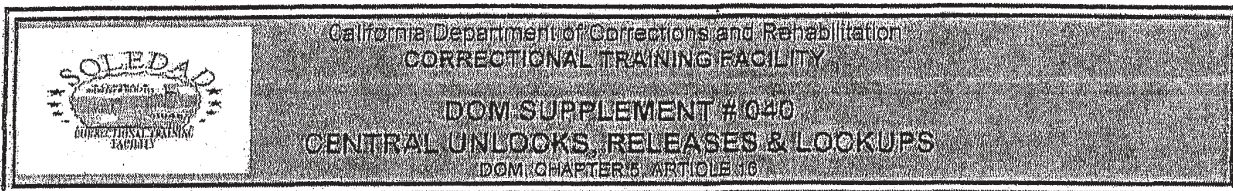
Upon reporting to the wings, the 1400-hour Officers will make a security inspection of their unit, ensuring that all RTQ/CTQ inmates are in their assigned cells, not injured, and that all doors are locked. This includes cells, mop rooms, and plumbing chases. The Unit Sergeant will be notified immediately of any discrepancies.

Yard recall begins promptly at 1530 hours or at the discretion of the Watch Commander. During yard recall, staff will conduct random searches of inmates exiting the yard. The Central Yard Sergeant will supervise the searches. The Officers and Central Services Sergeant designated for corridor coverage will report to the Corridor promptly when the yard announcement is made.

Yard recall is conducted by wing. At the completion of the wing yard recall, the two (2) Tier Officers will announce lockup. Those inmates requesting to go into their cells will stand by their assigned cell door. The two (2) Tier Officers will proceed with the lockup from the Third Tier down to the First Tier (1 East Side - 1 West Side) locking those inmates in their respective cells.

At 1630 hours, all inmates are secured in their cells for Count unless placed on authorized Out-Count Slips.





At approximately 1730 hours, or upon the clearing of the Institution Count and completion of emergency alarm checks, the evening meal will commence. When Central Control announces for corridor coverage, those Officers and Central Services Sergeant assigned for corridor coverage will promptly report to the corridor.

To facilitate the pick-up of TB and Psychotropic Medication for inmates requiring such medication, the evening meal release will precede beginning with the First Tier up to the Third Tier. Wings are released to the dining halls one and a half (1½) tiers at a time for B, C, D, E, Y and Z Wings. One (1) tier at a time for F and G Wings, (due to a larger tier size).

Prior to the evening meal release, the Wing Officers will deadlock the bar and unlock the Folgers-Adams locking devices, with the exception of CTQ/RTQ inmates. Those inmates housed with a RTQ/CTQ inmate will be released individually after their tier has been released. The Wing Tier Officer will then place the bar-locking devices in the "KEY" position to begin that tier's release, starting with First Tier up to the Third Tier. The Officer assigned to the front door will place the 1<sup>st</sup> tier bar-locking devices into the "KEY" position for the first tier release. Upon completion of each half (B,C,D,E,Y,Z) or tier (F,G) being released, both Tier Officers will be on the tiers to release inmates housed with RTQ/CTQ inmates and will conduct security checks to ensure that all inmates have been released safely. Inmates will proceed directly to the dining hall, yard, or other approved activity. Under no circumstances will inmates be allowed to loiter on the tiers. The wing will be secured by locking the cell doors with the Folgers-Adams Key making sure that all inmates staying behind are uninjured and appear mentally normal before the release of the next tier.

When the wing is released from the dining hall, inmates in possession of a valid Red Privilege Card, and a Green I.D. Card may go directly to the yard at this time. All inmates returning to the wing will remain on the 1<sup>st</sup> Tier. After all inmates have returned the Tier Officers will announce Lock-Up. All inmates will go up and stand by their door with their backs against the wall. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1<sup>st</sup> Tier up to the 3<sup>rd</sup> Tier (1 east side and 1 west side) locking the inmates in their respective cells. Immediately after

lockup of the last inmate, the Officers will commence with Red Privilege Card program.

At no time shall an Officer be on the tier alone. Both Tier Officers shall be on the tier at the same time. The Officer with the Door Set shall provide visual coverage during major releases from the sallyport area.

#### Evening Release for Yard and Red Card Program

Upon being released from the dining hall, those inmates not on yard restriction, in possession of a valid Red Privilege Card and a Green I.D. Card will be allowed the opportunity to go directly to the yard. Those inmates returning to the wings will remain on the First Tier until lockup is announced following completion of the evening meal for their respective wing.

After securing the wing, the Wing Officers will begin the evening wing program in accordance with Third Watch Post Orders. The cell door Folger-Adams locking devices will not be unkeyed / unlocked at any time on Third Watch except to release authorized inmates to the evening meal / Red Card Programs, etc. Upon releasing the approved inmate, the cell door is to be re-locked.

Central Facility Unlocks: ALL TIMES ARE APPROXIMATE

#### 0300 Hours

Unlock for Culinary Cooks (B, C, F, G, Y and Z Wings).

#### 0500 Hours

Unlock for Culinary Cooks (all mainline wings).

#### 0600 Hours

Unlock for Close Custody Culinary Workers, diabetics and early workers.

#### 0615 Hours

Breakfast releases from B, C, D, E, Y & Z Wings will be by 1½ tiers. F & G Wings will release one (1) tier only. Work release from Culinary and wings already fed eastbound to Maintenance and Laundry.

#### 0755 Hours

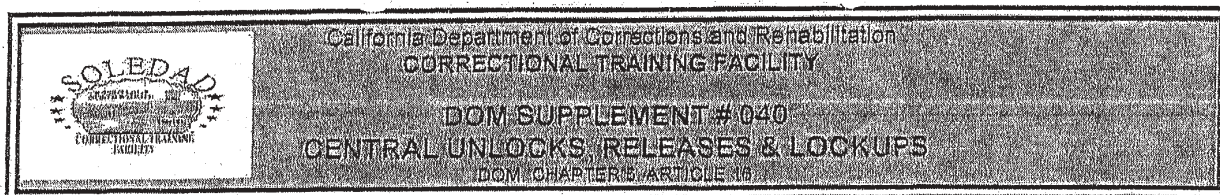
Work and School release from wings, or upon completion of the breakfast meal.

#### 0830 – 0855 Hours

Staff training

#### 0900 Hours

Yard Release from wings. Begin tier activity/ hourly unlock schedule.



1000 Hours

Hourly unlock in wings.

1030 Hours

Courtesy yard recall for culinary workers and inmates with canteen

1030 Hours

\* Every 72 hours, M-W-F. Commence with ORI/CTQ/C Privilege/C Status shower program.

1100 Hours

Hourly unlock in wings. Start Education release to all mainline wings.

1115 Hours

Close Custody Yard Recall / Courtesy Yard Recall. The recall will be in the same order as the morning release.

1130 Hours

Secure all wings. No inmate movement except Medical and priority ducats.

1215 Hours

Wing secured, bars secured for afternoon release to work, school and yard.

1215 Hours

Close Custody Count.

1230 Hours

Hourly unlock in wings when Close Custody Count clears.

1230 Hours

Work, School, and Yard release from all mainline wings. (Weekend only-unlock for yard, individual release for red card only. 1245 hours unlock for A/2B inmates for dayroom only.)

1330 Hours

Hourly Unlock

1350 Hours

Cease inmate movement for shift change.

1415 Hours

Weekends and Holidays all inmates will Lockup.

1425 Hours

\* M-W-F release C status inmates to yard.

1430 Hours

Hourly Unlock for A2B and Red Card inmates. (Red Card Only on Weekends and Holidays).

1430 Hours

Commence yard recall for PM Culinary workers and inmates with canteen purchases.

1500 Hours

Education release back to all mainline wings.

1530 Hours

Yard Recall. (NOTE: Yard recall may begin earlier due to the number of inmates on the yard).

Secure "C" Status inmates from the yard and wing.

1530 Hours

Hourly Unlock.

1630 Hours

Secure Wings and commence alarm checks.

1700 Hours

Count (Mandatory Standing Count).

1730 Hours

Upon completion of the 1700 hour count, Diabetics (2 Dots) will be released to Medical.

Release wings to the evening meal on a rotating basis. E, D and C Wings will be fed in the first phase as long as Close Custody inmates reside in these wings. For those wings not in the first phase for the evening meal, unlock for Red Card Yard, and dayroom program, early workers and ducats (library on Sundays). Lockup the wing prior to the evening meal release from the wing. Upon completion of the evening meal the wing will be secured. Red Card Unlock begins ten (10) minutes after the wing is secured. When the wing is released from the Dining Hall, all inmates returning to the wing will be secured prior to commencing with Red Privilege Card Program.

**NOTE:** Red Card Yard Release: Wings scheduled in the second and third phases will conduct a release to the yard only after the completion of the release to the dining halls for the First Phase Wings. This release will be for Red Card Holders who do not want to go to the evening meal (no Close Custody). Those inmates who want to go to the yard and forgo attending the evening meal will remain on the first tier of their wings, behind the grill gate until the West Corridor Officer announces yard release for that wing.

\* **NOTE:** A2B and "C" Status inmates will lockup upon returning from the Dining Hall.

A continued hourly unlock for Red Card holders will commence no more than ten (10) minutes after the lockup is completed.

2000 Hours

Close Custody Count

2030 Hours

Commence yard recall.

2100 Hours

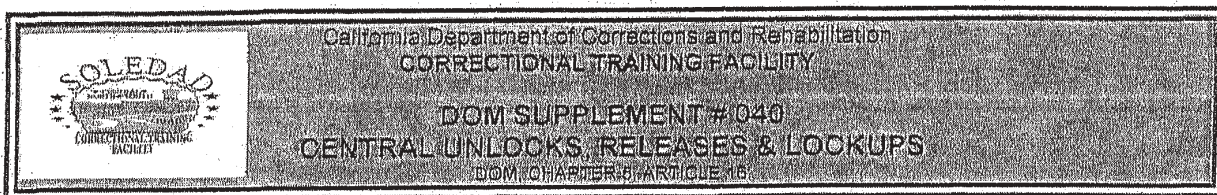
Red Card shower program ends.

2130 Hours

Count.

Special Security Measures:





Bar-locking devices will never be utilized to accomplish hourly unlocks. The bar-locking devices will only be utilized for mass unlocks / releases, meal lockups and emergency releases.

Cell visiting and wing visiting is not permitted at any time. Only authorized maintenance workers will be permitted to enter a wing. These workers must be under direct supervision of a staff member at all times.

Tier loitering is forbidden at all times.

With the exception of extreme emergencies, the bar-locking device will never be placed in the open position.

Activities in the wing during Second Watch and Third Watch will be limited to the designated or approved tier activities. Program is restricted to Red Privilege Cards on weekdays after the 1700 hours count. On weekends and holidays the program is restricted to Red Privilege Cards at 1430 hours.

Library on weekends and holidays is restricted to Red Card Only for Non-Priority Use.

With the exception of authorized unlocks, inmates will not exit the wings unless they have a verified pass or ducat in their possession. Passes will not be issued to any area unless the supervisor in charge of the area has been contacted and the presence of the inmate is requested and/or verified. Passes will only be made out and issued by Custody Staff.

Officers/Staff in charge of the Culinary will release Culinary Workers from their assigned areas. Corridor Officers will not release workers from the Culinary. Upon ascertaining whether or not an inmate lives in a wing, the Corridor Officer may allow him access to the wing.

During meals and major releases, the Central Services Sergeant assigned will supervise the east corridor wing releases, center corridor and education releases. The Yard Sergeant will supervise the west corridor wing release. Dining Hall supervision during meals will be provided by a Unit Sergeant in each Dining Hall. It will be the responsibility of the Watch Commander to ensure supervisory coverage of the Corridor and Dining Halls.

Periodic clothed body searches of inmates are required of Correctional Personnel during mass movement of inmates in the corridor to control contraband.

Inmate corridor traffic during major releases will be one-way traffic (to the right of the corridor) unless otherwise determined by the Watch Commander. Inmates will not walk within the white boundary lines and may only cross these lines while exiting or entering an area, i.e. culinary, wings, etc.

Inmates returning from meals have the choice of yard (if eligible), or their cells (unless released for a shower or Red Card Programs). If an inmate is going to the yard, he does not enter the wing. No cell visiting or tier loitering is permitted at any time.

The area from the Wing Entrance Door to the inner gate is to be clear of inmates at all times.

When conducting major lockups, the two (2) Tier Officers will make sure all inmates returning to the wing remain on the 1<sup>st</sup> Tier. After all inmates have returned the Tier Officers will announce Lock-Up. All inmates will go up and stand by their door with their backs against the wall. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1<sup>st</sup> Tier up to the 3<sup>rd</sup> Tier (1 east side and 1 west side) locking the inmates in their respective cells.

All inmates in the East Corridor beyond X-Wing will be in state issued clothes. No personal clothes will be allowed beyond X-Wing unless it is for a medical emergency.

#### Lockdowns or Modified Program

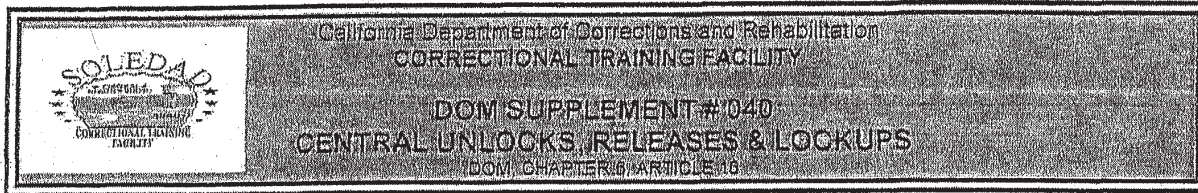
When the entire facility or any part of the inmate population is on lockdown status, the cell-feeding process will begin immediately after the respective watch has assumed duty and the meal has been delivered. Inmates returning to the wing will be immediately secured in their cells.

There will be no yard releases until completion of cell feeding and wing clean up.

#### Shower Programs

Close "B" Custody inmates who are a full-time assigned worker will be showered between the hours of 1030 to 1130, 1430 to 1630 and 1830 to 1930.

\*All CTQ/RTQ inmates regardless of custody level will be showered on Second Watch.



\*All unassigned inmates and "C" status will be allowed to shower during their program time which starts at 1030 to 1130.

*B. Curry*  
B. CURRY  
Warden

*1/13/09*  
Date

Third Watch is responsible for showering those inmates assigned to a full-time work/school position. Showers will be conducted during dayroom activities between the hours of 1430 to 1630 hours and 2000 to 2100 hours. Showers will be provided for five (5) minutes per inmate and monitored by the Tier Officer.

Controlled showers will consist of a maximum of one-half (½) tier of inmates out at any given time. A reasonable amount of time (30 minutes per group of inmates) will be afforded for inmates to shower and return to their cells.

See attachment A for Central Facility Shower Program Hours.

#### Identification/Privilege Cards

Receiving and Release will prepare a CDC 131 Green Identification Card for all new arrivals to CTF. All inmates will receive a Green Identification Card prior to departing R&R, or as soon as practical. R&R will deliver the non-issued Red Privilege Cards and Yard Cards to the Records Department for storage and later issuance as appropriate.

#### Initial Classification

The correctional counselor is responsible for reviewing the DMS for new arrivals to their caseload, determining the inmates Work Group / Privilege Group and obtaining the appropriate Red Card as necessary. The Red Privilege Card can be obtained in the Records Department. The correctional counselor will issue the appropriate card (s) to the inmate upon completion of the initial classification process, or forward the appropriate card (s) to the respective Wing Officer for issuance.

Should Unit Classification Committee change an inmate(s) work group status from A1-A to either A2-B or C-Status, the assigned correctional counselor will be responsible for obtaining the appropriate card.

Lost or altered ID cards shall be replaced. The cost associated with replacing the Green ID or Red Privilege shall be the sole responsibility of the inmate(s). Should any card(s) as described above be altered, the inmate(s) shall not be allowed entrance into the Central Yard.

**DISAPPROVAL DECISION**

**DEPARTMENT OF INSURANCE**

**Office of Administrative Law**

**In re:**

**Department of Insurance**

**Regulatory Action: Title 10  
California Code of Regulations**

**Amend sections: 2202(b), 2202(c),  
2202(d), 2203(b)**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2009-0527-01 FP**

**SUMMARY**

On May 27, 2009, the Department of Insurance (Department) submitted this action to the Office of Administrative Law (OAL) to amend the fees the Department charges insurance providers for reviewing insurance policy documents and forms proposed for use by insurance providers in California. The submitted action amended the document fees set forth in title 10, California Code of Regulations (CCR), sections 2202(b), 2202(c), 2202(d), and 2203(b). The amendments to these sections represented increases in the document fees by approximately 350 percent (350%). The Department submitted this action to OAL for filing with the Secretary of State and publication in the CCR as a "File and Print" action, as provided by Government Code section 11343.8 and CCR, title 1, section 6(b)(3)(G).

Date: July 15, 2009 /s/  
Richard L. Smith  
Staff Counsel

FOR: SUSAN LAPSLEY  
Director

Original: Steve Poizner  
Copy: Mansour Salahu-Din

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0529-03  
CALIFORNIA ENERGY COMMISSION  
Amendments to Appliance Efficiency Regulations

This action would update the Commission's standards for the energy efficiency of appliances. New regulations adopt standards for metal halide luminaires, a voluntary test procedure for battery chargers, and a new requirement applicable to pool pump replacements.

Title 20  
California Code of Regulations  
AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2,  
1605.3, 1606, 1607, 1608  
Filed 07/10/2009  
Effective 08/09/2009  
Agency Contact: Harinder Singh (916) 654-4091

File# 2009-0529-02  
CALIFORNIA ENERGY COMMISSION  
Amendments to Appliance Efficiency Regulations —  
Lighting

The purpose of this rulemaking is to amend the California Energy Commission's Appliance Efficiency regulations. This rulemaking amends Title 20 section 1601, 1602, 1604, 1605.3 and 1606. Assembly Bill 1109 (Ch. 534, Statutes of 2007) mandates the establishment of new efficiency standards for general purpose lighting by December 31, 2008. This rulemaking adopts accelerated effective dates for Tier I and Tier II lighting efficiency standards established in the Federal Energy Independence and Security Act of 2007. This rulemaking also adopts efficiency standards for portable luminaires.

Title 20  
California Code of Regulations  
AMEND: 1601, 1602, 1604, 1605.3, 1606  
Filed 07/10/2009  
Effective 08/09/2009  
Agency Contact: Harinder Singh (916) 654-4091



File# 2009-0604-02

**DEPARTMENT OF FOOD AND AGRICULTURE**  
Somatic Cell Counts in Milk

This regulatory action revises the maximum somatic cell count allowed in cow milk to reflect the current statutory maximum of 600,000 cells per milliliter, and to retain the current regulatory maximum level of 1,500,000 cells per milliliter for goat milk. It additionally specifies the methods and procedures for making the somatic cell count by incorporating a publication containing the methods and procedures by reference. The action eliminates references to the California Mastitis Test (CMT) because the CMT is no longer in use.

Title 3

California Code of Regulations

AMEND: 625

Filed 07/13/2009

Effective 08/12/2009

Agency Contact: Nancy Grillo (916) 263-2347

File# 2009-0603-01

**DEPARTMENT OF INSURANCE**

Rate and Statistical Plan Enforcement Remedies

This rulemaking action adds section 2359.8 to Title 10 of the California Code of Regulations specifying the remedies which the Insurance Commissioner has in relationship to title insurance, underwritten title, and controlled escrow companies that do not provide required title insurance rates data and related information to the Commissioner. Remedies include, but are not limited to, public hearings for the suspension or revocation of insurance licenses, examinations of the affairs of non-complying companies, and the collection of late fees for untimely filed data.

Title 10

California Code of Regulations

ADOPT: 2359.8

Filed 07/14/2009

Effective 11/10/2009

Agency Contact:

Bryant W. Henley (415) 538-4111

File# 2009-0528-03

**DEPARTMENT OF REAL ESTATE**

Subdivisions: Common Interest Development

The purpose of this rulemaking is to correct Title 10 section 2797. As it is currently written it incorrectly indicates that a common interest development is affected by homeowner association maintenance responsibilities or physical construction of a residential dwelling. This rulemaking corrects this regulation by removing the language that makes this incorrect assertion.

Title 10

California Code of Regulations

AMEND: 2797

Filed 07/09/2009

Effective 08/08/2009

Agency Contact:

Daniel E. Kehew (916) 227-0425

File# 2009-0601-02

**DEPARTMENT OF TOXIC SUBSTANCES**  
CONTROL

Tracking U-Waste Shipments

This change without regulatory effect corrects a cross-referencing error in section 66273.39, subsection (d)(2), which was relettered in OAL file no. 2008-1219-03C (filed with the Secretary of State on February 4, 2009). The reference to "subsection (b)" in subsection (d)(2) should have been changed to "subsection (c)" to reflect the relettering. Also, a missing parenthesis is added to section 66273.3(b)(4). This non-substantive action remedies these oversights.

Title 22

California Code of Regulations

AMEND: 66273.3, 66273.39

Filed 07/13/2009

Agency Contact: Laura Hayashi (916) 322-6409

File# 2009-0703-01

**FISH AND GAME COMMISSION**

Pacific Herring Open Ocean Commercial Fishing Regulations

Through this emergency rulemaking, the Fish and Game Commission (Commission) amends section 163 of Title 14 of the California Code of Regulations. Specifically, the Commission is closing the open waters herring fishery immediately to protect the San Francisco Bay Pacific herring stock. However, the amendment does allow for an incidental allowance of no more than 10 percent herring by weight of any load.

Title 14

California Code of Regulations

AMEND: 163

Filed 07/13/2009

Effective 07/13/2009

Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-0604-03

**FISH AND GAME COMMISSION**

Commercial Halibut Trawl Gear

This regulatory action establishes the requirements for special gear while trawling for California halibut in the California Halibut Trawl grounds (CHTG), including the requirements for trawl nets, trawl doors and footrope chains, i.e., the maximum weight, length, and



thickness for various components of the trawl gear, and prohibits the use of rollers or bobbins on any part of the net or footrope.

Title 14  
California Code of Regulations  
AMEND: 124  
Filed 07/14/2009  
Effective 08/13/2009  
Agency Contact:  
Sherrie Fonbuena (916) 654-9866

File# 2009-0529-04  
STATE WATER RESOURCES CONTROL BOARD  
Total Maximum Daily Load of Sediment, Middle  
Truckee River

On May 14, 2008, the Lahontan Regional Water Quality Control Board (LRWQB) adopted resolution R6T-2008-00019 amending the Water Quality Control Plan for the Lahontan Region (Basin Plan). This Basin Plan amendment establishes Total Maximum Daily Load (TMDL) for suspended sediment in the "middle Truckee River" (from the outlet of Lake Tahoe in Tahoe City to the California/Nevada state line). The Truckee River and three of its tributaries, Squaw, Bronco and Gray creeks, were placed on the Section 303(d) list of water bodies requiring TMDL (Total Maximum Daily Load) limits in 1992 because of the impacts of excessive sedimentation. The Squaw Creek TMDL for sedimentation was approved in 2007. Sedimentation levels in the river are above those recommended to protect aquatic life and bottom-dwelling insects.

Title 23  
California Code of Regulations  
ADOPT: 3959.3  
Filed 07/09/2009  
Agency Contact: Peter Martin (916) 341-5557

File# 2009-0608-03  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
Documentation and Determination of Family Size

The Office of Administrative Law has approved the change without regulatory effect submitted by the Superintendent of Public Instruction to correct a typographical error in Title 5 of the California Code of Regulations section 18100(a)(2)(E).

Title 5  
California Code of Regulations  
AMEND: 18100  
Filed 07/09/2009  
Agency Contact: Connie Diaz (916) 319-0860

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN February 11, 2009 TO  
July 15, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

07/07/09 AMEND: 18450.4  
07/06/09 AMEND: 18940.2  
06/15/09 ADOPT: 18746.4 AMEND: 18741.1,  
18746.1, 18746.3  
06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23,  
649.25, 649.29, 649.32, 649.33, 649.48  
AMEND: 647.4, 649, 649.2, 649.4,  
649.7, 649.8, 649.11, 649.12, 649.13,  
649.15, 649.16, 649.22, 649.24, 649.26,  
649.27, 649.28, 649.30, 649.31, 649.35,  
649.36, 649.50, 649.51, 649.57, 649.58,  
649.59, 649.62 REPEAL: 649.3, 649.6,  
649.9, 649.10, 649.14, 649.23, 649.25  
06/09/09 ADOPT: 18405  
06/01/09 ADOPT: 250.1  
05/21/09 AMEND: 18705.1  
05/14/09 ADOPT: 21000, 21001, 21002, 21003,  
21004, 21005, 21006, 21007, 21008,  
21009  
05/08/09 ADOPT: 18410 AMEND: 18402  
04/30/09 AMEND: 1859.129, 1859.197  
04/28/09 AMEND: div. 8, ch. 111, section 59560  
04/22/09 ADOPT: 1859.148.2, 1859.166.2  
AMEND: 1859.2, 1859.121, 1859.164.2,  
1859.197  
03/05/09 AMEND: 18704  
02/17/09 AMEND: 51.3

**Title 3**

07/13/09 AMEND: 625  
07/07/09 AMEND: 3435  
07/02/09 AMEND: 3423(b)  
06/30/09 AMEND: 3434(b)  
06/22/09 AMEND: 3434(b)  
06/19/09 AMEND: 3591.20(a)  
06/15/09 AMEND: 3406(b)  
06/15/09 AMEND: 3434(b)  
06/01/09 AMEND: 3406(b)  
06/01/09 ADOPT: 3408  
05/26/09 AMEND: 3434(b)  
05/20/09 AMEND: 3434(b)

05/20/09 AMEND: 3434(b)  
 05/13/09 AMEND: 6800  
 05/04/09 AMEND: 3434(b)  
 04/27/09 AMEND: 3434(b)  
 04/20/09 AMEND: 6452.2  
 03/30/09 AMEND: 3434(b)  
 03/25/09 AMEND: 6860  
 03/23/09 AMEND: 3423(b)  
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237  
 03/18/09 AMEND: 3435(b)  
 03/10/09 AMEND: 3434  
 03/05/09 AMEND: 3591.20(a)  
 03/04/09 AMEND: 3435  
 02/27/09 AMEND: 3434(b)  
 02/26/09 AMEND: 850  
 02/19/09 AMEND: 3434(b)  
 02/13/09 AMEND: 3406(b)

**Title 4**

06/25/09 ADOPT: 12486  
 06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078  
 06/04/09 AMEND: 106  
 05/18/09 ADOPT: 12488, 12508, 12510, 12511, 12514 AMEND: 12480, 12486  
 05/18/09 ADOPT: 12482  
 05/12/09 AMEND: 406  
 05/12/09 ADOPT: 12591  
 04/24/09 ADOPT: 12480, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504 AMEND: 12482  
 04/24/09 AMEND: 12482  
 03/23/09 AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190  
 03/11/09 AMEND: 1865

03/10/09 ADOPT: 12388, 12410  
 03/05/09 ADOPT: 2066  
 03/05/09 ADOPT: 1504.5 AMEND: 1481, 1486  
 03/04/09 AMEND: 2073  
 02/23/09 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10  
 02/13/09 ADOPT: 12362  
 02/11/09 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078

**Title 5**

07/09/09 AMEND: 18100  
 07/03/09 ADOPT: 80027.1, 80048.7 AMEND: 80027  
 06/29/09 ADOPT: 19821.5, 19825.1, 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846  
 05/28/09 AMEND: 9521  
 05/11/09 AMEND: 80023, 80024.4, 80024.5, 80024.6, 80025.5, 80026, 80026.1, 80026.6, 80034.5 REPEAL: 80024.3, 80026.4, 80042, 80042.5, 80569  
 05/11/09 AMEND: 24002, 24003, 24005  
 05/07/09 ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099  
 04/30/09 ADOPT: 26000  
 03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070  
 03/05/09 AMEND: 80225  
 02/17/09 AMEND: 80413, 80487

**Title 8**

07/06/09 ADOPT: 5199  
 07/06/09 ADOPT: 5199.1  
 06/22/09 AMEND: 230.1  
 06/18/09 ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23  
 05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107  
 05/01/09 AMEND: 4530  
 04/20/09 AMEND: 10100.2, 10101.1, 10103.2, 10104, 10105, 10106.1, 10106.5, 10107.1, 10108, 10109, 10111.1,

10111.2, 10112, 10113.4, 10113.5,  
10114.2, 10115, 10115.1, 10115.2  
04/06/09 ADOPT: 227, 314, 389 AMEND: 281,  
303, 323, 368, 523  
04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,  
2738, 2739.0, 2739.4, 2742.0, 2742.1,  
2742.2, 2742.3, 2745.0, 2745.1, 2749.2,  
2754.1, 2754.2, 2796, 2799.1, 2799.2,  
2799.3, 2799.4, 2799.5, 2799.6, 2812.2,  
2812.3, 2832, 2833.1, 2833.2, 2882.2,  
2985.0, 2985.1, 2985.2, 2987.0, 2987.1,  
2989.0, 2989.1 AMEND: 2700, 2706,  
2707, 2710, 2712, 2714, 2715, 2725,  
2735, 2739.1, 2743, 2745.2, 2749.1,  
2753, 2790, 2791, 2792, 2795, 2797,  
2799.0, 2805, 2810, 2812.1, 2816, 2819,  
2820, 2833, 2845, 2847, 2863, 2873,  
2874, 2875, 2880, 2882.1, 2890, 2893,  
2908, 2910, 2931, 2932, 2933, 2934,  
2935, 2946, 2974 REPEAL: 2742  
03/04/09 AMEND: 3248  
03/02/09 ADOPT: 15475.1, 15475.2, 15475.3,  
15482, 15482.1, 15482.2, 15483, 15484,  
15485, 15486, 15486.1, 15487, 15488,  
15489, 15489.1, 15490, 15490.1, 15491,  
15496, 15497, 15497.1, 15498, 15499,  
15499.5 AMEND: 15201, 15203,  
15203.1, 15203.2, 15203.3, 15203.4,  
15203.5, 15203.6, 15203.7, 15203.8,  
15203.9, 15203.10, 15204, 15205,  
15210, 15210.1, 15210.2, 15210.3,  
15211, 15211.1, 15211.2, 15215, 15230,  
15251, 15353, 15360, 15405, 15470,  
15471, 15472, 15473, 15474, 15475,  
15476, 15477, 15478, 15479, 15480,  
15481, 15601.7  
03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085,  
5152, 5193, 5207, 5215, 5297, 5299,  
5302, 5304, 5449, 6402, 6503, 6600  
02/25/09 REPEAL: 10116.4, 10122, 10122.1,  
10123, 10123.2, 10123.3, 10124,  
10124.1, 10125, 10125.1, 10125.2,  
10125.3, 10126, 10127, 10127.1,  
10127.2, 10127.3, 10128, 10129,  
10129.1, 10130, 10131, 10131.1,  
10131.2, 10132, 10132.1, 10133,  
10133.2, 10133.4, 10133.10, 10133.11,  
10133.12, 10133.13, 10133.14,  
10133.15, 10133.16, 10133.17,  
10133.18, 10133.19, 10133.20,  
10133.21, 10133.22  
02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186,  
4307.1, 4345, 4353, 4354  
02/13/09 AMEND: 3336, 3650, 3653

**Title 9**

06/29/09 ADOPT: 10700, 10701 AMEND: 10518,  
10529 REPEAL: 10532, 10533  
06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4  
AMEND: 7210, 7211, 7212

**Title 10**

07/14/09 ADOPT: 2359.8  
07/09/09 AMEND: 2797  
07/06/09 AMEND: 250.30  
06/24/09 AMEND: 2498.4.9  
06/24/09 AMEND: 2498.4.9  
06/24/09 AMEND: 2498.4.9  
06/24/09 AMEND: 2498.4.9  
06/01/09 ADOPT: Article 1, 2031.1, 2031.2,  
2031.3, 2031.4, 2031.5, 2031.6, Article  
2, 2031.7, 2031.8, Article 3, 2031.9,  
Article 4, 2031.10  
06/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7,  
4.8, 4.9, 4.10  
06/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4,  
2850.5, 2850.6, 2850.7, 2850.8, 2850.9,  
2850.10  
05/29/09 ADOPT: 5500, 5501, 5502, 5503, 5504,  
5505, 5506, 5507  
05/12/09 AMEND: 2716.1, 2790.1.5, 2810.5  
05/01/09 AMEND: 2699.6603  
03/27/09 AMEND: 2498.6 (Exhibit C)  
03/25/09 AMEND: 2661.3, 2661.4, 2662.1  
03/23/09 AMEND: 2498.6  
02/26/09 AMEND: 2699.6805  
02/23/09 AMEND: 2318.6, 2353.1  
02/23/09 AMEND: 2498.6  
02/19/09 AMEND: 5000, 5110, 5111, 5112, 5113,  
5114, 5116, 5117 REPEAL: 5119

**Title 11**

05/21/09 AMEND: 1005, 1007, 1008  
04/17/09 AMEND: 30.1  
04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060  
AMEND: 1018  
04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054,  
9055 REPEAL: 1002  
03/30/09 ADOPT: 30.15  
03/03/09 AMEND: 9070, 9077  
02/18/09 REPEAL: 313, 314, 315, 316, 317, 318,  
319, 320, 321, 322, 323, 324, 325, 326,  
327

**Title 12**

02/26/09 ADOPT: 800, 800.1, 801, 802, 803, 804,  
805, 806, 807, 808, 809

**Title 13**

06/29/09 AMEND: 2702, 2704  
06/16/09 AMEND: 1239

06/04/09 ADOPT: 2340, 2341, 2342, 2343, 2344, 2345  
 05/22/09 ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72  
 03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2  
 03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4  
 02/26/09 ADOPT: 29.00

**Title 13, 17**

05/29/09 ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118

**Title 14**

07/14/09 AMEND: 124  
 07/13/09 AMEND: 163  
 06/23/09 AMEND: 3959(b)(4)  
 06/23/09 ADOPT: 4351.1 AMEND: 4351  
 06/16/09 AMEND: 753.5  
 06/15/09 AMEND: 27.80  
 06/12/09 AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708  
 06/02/09 AMEND: 7.50(b)(91.1)  
 05/26/09 AMEND: 7.00, 7.50  
 05/21/09 AMEND: 7.50(b)(178)  
 05/15/09 AMEND: 790, 818.02, 827.02  
 05/14/09 ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3  
 05/13/09 AMEND: 25201  
 05/07/09 AMEND: 25201  
 05/04/09 AMEND: 670.5  
 04/27/09 ADOPT: 749.5  
 04/08/09 AMEND: 2245, 2320  
 03/18/09 AMEND: 632  
 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009  
 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730  
 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58  
 03/02/09 AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972  
 02/25/09 AMEND: 1038, 1052  
 02/23/09 ADOPT: 749.4

**Title 15**

06/17/09 ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740  
 06/17/09 ADOPT: 3099  
 05/12/09 AMEND: 3000, 3190, 3375, 3376.1, 3379  
 05/04/09 AMEND: 3335(d)(3)  
 04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, 1059, 1063, 1066, 1082, 1101, 1105, 1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272  
 04/02/09 ADOPT: 3334 AMEND: 3000

**Title 16**

06/26/09 ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623  
 06/26/09 AMEND: 426.51  
 06/16/09 AMEND: 1524  
 06/12/09 AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068  
 06/03/09 AMEND: 1888  
 06/02/09 AMEND: 1419, 1419.1, 1419.3  
 05/20/09 ADOPT: 1815 AMEND: 1886.40  
 04/28/09 AMEND: 1524  
 04/27/09 AMEND: 1760  
 04/03/09 AMEND: 3830  
 03/24/09 ADOPT: 1398.12  
 03/20/09 AMEND: 1937, 1950, 1950.5, 1953  
 03/11/09 AMEND: 1715, 1784, Form 17M-13, Form 17M-14, Form 17M-26  
 03/04/09 AMEND: 4181  
 03/04/09 AMEND: 1351.5, 1352  
 03/04/09 ADOPT: 389  
 03/04/09 AMEND: 998  
 03/04/09 AMEND: 950.2  
 03/03/09 AMEND: 305 REPEAL: 306.1  
 02/11/09 AMEND: 950.3

**Title 17**

06/18/09 AMEND: 94508, 94509, 94510, 94512, 94513, 94515  
 04/24/09 AMEND: 30100, 30346.1, 30373  
 03/11/09 AMEND: 93119

**Title 18**

06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534, 1535  
 05/21/09 AMEND: 25114  
 05/12/09 AMEND: 1502  
 04/29/09 AMEND: 1591



04/06/09 ADOPT: 25113 AMEND: 25111  
 03/19/09 AMEND: 23701, 23772  
 03/11/09 AMEND: 1506, 1524  
 03/11/09 AMEND: 1705

**Title 20**

07/10/09 AMEND: 1601, 1602, 1604, 1605.3, 1606  
 07/10/09 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608  
 06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2  
 06/04/09 AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6, 3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2, 14.3, 14.6, 15.2, 17.3, 17.4, 18.1  
 04/22/09 ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108

**Title 21**

06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711  
 05/14/09 AMEND: 1554, 1556

**Title 22**

07/13/09 AMEND: 66273.3, 66273.39  
 06/17/09 AMEND: 926-3, 926-4, 926-5  
 05/21/09 AMEND: 2601-1  
 04/21/09 AMEND: 51543  
 03/12/09 AMEND: 51517

03/03/09 ADOPT: 63000.48, 63051, 63052  
 AMEND: 63000.16, 63000.25, 63000.43, 63000.46, 63000.66, 63000.68, 63000.77, 63010, 63011, 63013, 63020, 63021, 63029, 63030, 63040, 63050, 63055 REPEAL: 63051

**Title 23**

07/09/09 ADOPT: 3959.3  
 06/25/09 ADOPT: 3989.8  
 06/16/09 ADOPT: 3939.36  
 06/01/09 ADOPT: 2631.2  
 05/14/09 ADOPT: 2920  
 02/19/09 ADOPT: 3939.35

**Title 25**

05/22/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216  
 05/20/09 AMEND: 8217  
 05/13/09 ADOPT: 6932 REPEAL: 6932  
 05/07/09 ADOPT: 6932 REPEAL: 6932  
 02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216

**Title 27**

04/07/09 AMEND: 25705(b)  
 02/18/09 AMEND: 20921

**Title MPP**

07/06/09 ADOPT: 31-003, 31-502 AMEND: 31-002  
 06/29/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306